

Volume 4

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1986

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 3, 1986
and General Election, November 4, 1986

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

1985–86 Regular Session
1985–86 First Extraordinary Session



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CALIFORNIA LEGISLATURE

**1985-86 REGULAR SESSION
1985-86 FIRST EXTRAORDINARY SESSION**

SUMMARY DIGEST

of

**Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1986**

and

1979-1986 Statutory Record

VOLUME ONE



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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each constitutional amendment, concurrent or joint resolution adopted by the Legislature in 1986. Except for technical corrections indicated by “*” (words stricken out or added), the summary of each measure is identical to the Legislative Counsel’s digest which appeared on the face of the legislative measure when placed on final passage by both houses.

Superior numbers following the title refer to a Governor’s Message affecting that law. These are printed after the digests in the “Digest Chapters Superior Numbers” section.

Cross Reference Tables

The text of the Summary Digest is arranged numerically by chapter number.

Cross reference tables are arranged numerically by bill or resolution number and indicate the chapter number of each.

New General Laws

Lists new general laws passed in the years 1979–1986 which do not specifically amend, add to, or repeal any existing code or general law.

Index

A subject matter index to all measures, including constitutional amendments and resolutions, is included.

Statutory Record

This edition of the Summary Digest includes a cumulative statutory record for 1979–1986, followed by a list of concurrent resolutions adopted in 1979–1986, which affect concurrent resolutions adopted in prior years. Superior numbers following the *Effect* refer to a special condition affecting that section.

Cumulative statutory records for 10-year periods, 1969–1978, 1959–1968 and 1949–1958, and for the 16-year period, 1933–1948, are published in separate volumes, which supplement the original statutory record, 1850–1932, published in 1933.

ABBREVIATIONS

AB ..	Assembly Bill
ACA.....	Assembly Constitutional Amendment
ACR.....	Assembly Concurrent Resolution
AJR ..	Assembly Joint Resolution
SB.....	Senate Bill
SCA ..	Senate Constitutional Amendment
SCR	Senate Concurrent Resolution
SJR.....	Senate Joint Resolution
Sec.	Section
Art.	Article
Ch.	Chapter
Res. Ch. ...	Resolution Chapter
Pt.	Part
Div.	Division
Stats.	Statutes

EFFECTIVE DATES

Regular Session

The 1985-86 Regular Session reconvened on January 6, 1986, and adjourned sine die on November 30, 1986. Statutes enacted in 1986, other than those taking immediate effect, will become effective January 1, 1987. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

An urgency statute and a statute calling an election, providing for a tax levy, or making an appropriation for the usual current expenses of the state may take effect immediately. Such a statute becomes *effective* on the date it is filed with the Secretary of State.

However, any statute may, by its own terms, delay the *operation* of its provisions until the happening of some contingency, until a specified time, or until a vote of the electors at a statewide election. Also, a later statute or a general provision in a particular code may delay the operation of a statute to a time after its effective date.

The effective date of a joint or concurrent resolution is the date it is filed with the Secretary of State.

A constitutional amendment proposed by the Legislature and adopted by the people takes effect the day after the election unless the measure provides otherwise.

Extraordinary Session

An urgency statute enacted at a special session of the Legislature takes effect immediately, as outlined above, and the same rules apply with respect to a delayed *operative* date. A nonurgency statute takes effect on the 91st day after adjournment of the special session at which the bill was passed.

The 1985-86 First Extraordinary Session convened on September 8, 1986, and adjourned sine die on November 30, 1986. The 91st day after adjournment is March 1, 1987.

DIGESTS OF STATUTES
ENACTED IN 1986

1985-86 REGULAR SESSION

BILL CHAPTERS**Ch. 1 (AB 1123) Campbell. Hazardous materials: local programs.**

Existing law provides for governmental response to releases or threatened releases of hazardous materials. Among other things, existing law requires counties, and certain cities, to implement, administer, and enforce provisions pursuant to which businesses which handle hazardous material are required to establish a specified plan by September 1, 1986, for emergency response to a release or threatened release of hazardous material. Those businesses are required to submit to the local administering agency an inventory containing specified information concerning the hazardous material. Existing law makes this inventory requirement inapplicable in any county which, prior to January 1, 1985, has adopted an ordinance establishing a program, containing specified elements, for the management of hazardous materials releases.

This bill would repeal the provision making an exemption from the inventory requirement in those counties which had adopted an ordinance establishing a specified program.

The bill would take effect immediately as an urgency statute.

Ch. 2 (SB 405) Lockyer State Bar of California. dues.

A provision of law effective until January 1, 1986, established a basic annual membership fee of \$175 for active members of the State Bar who have been admitted for 3 years or longer for 1984 and \$180 for 1985. It established a maximum basic annual membership fee of \$105 for active members of the State Bar who have been admitted for less than 3 years for 1984 and \$115 for 1985. The membership fee authorized for active members admitted for less than one year was \$100. A provision of law effective until December 31, 1985, authorized the Board of Governors of the State Bar to increase the annual membership fee by an additional amount not exceeding \$10, to be applied for the cost of land and buildings to be used to conduct the operations of the State Bar, as specified. Existing law authorizes the board to increase the annual membership fee by an additional amount not to exceed \$10 to be used for the establishment of the Client Security Fund.

This bill would retain the basic membership fee for 1986 for active members of the State Bar at the same rates applicable for 1985, except as adjusted for an increase or decrease in the cost of living, as specified. A portion of the membership fees would be required to be expended on the disciplinary system. The bill would require that in 1986 the State Bar must submit its budget for calendar year 1986 to the appropriate fiscal committees of each house of the Legislature for review and recommendation. The bill also would provide that commencing in 1986 the State Bar shall submit its proposed annual budget for the following year to the Legislature for review and approval as part of any bill that would authorize the imposition of membership dues for the following year.

The bill also would authorize the State Bar to increase the annual membership fee for active members by not more than \$10 for land and buildings in 1986; however, it would prohibit the expenditure of this additional amount for capital expenditures. The bill would require the State Bar to submit reports to the Judiciary Committees of the Senate and Assembly concerning procedural changes and improvements in the disciplinary system, as specified, by April 1, 1986, and June 1, 1986, and would require the achievement, by December 31, 1987, of a specified reduction in the number of complaints within the inventory of the State Bar as of March 31, 1985. It also would require the State Bar to set a specified goal with regard to the time required for the disposition of disciplinary complaints.

The bill would also provide that the fee authorized to be assessed for the Client Security Fund may be applied to the costs of the administration of the fund, as specified. It also would specify that the administration of the fund may be delegated to the State Bar Court rather than to a specified disciplinary board.

The bill also would provide that the hearings and records of original disciplinary proceedings in the State Bar Court shall be public, following a notice to show cause.

The bill also would require the Auditor General to conduct a plebiscite of members of the State Bar, by May 15, 1986, regarding the appropriate functions of the State Bar,

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as specified.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 3 (SB 1646) Ellis. 1986 direct primary election: SCA 28.

Existing law requires that a minimum of 131 days elapse between legislative approval of a proposed amendment to the California Constitution and its submission to the voters

This bill would provide that, notwithstanding the 131-day requirement, SCA 28 of the 1985-86 Regular Session, as chaptered by the Secretary of State, shall be submitted to the voters at the 1986 direct primary election

The bill would become operative only if SCA 28 is chaptered

The bill would remain in effect only until January 1, 1987, and as of that date would be repealed, unless a later-enacted statute, which is enacted before January 1, 1987, deletes or extends that repeal date

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 4 (SB 1265) Seymour. Unemployment insurance.

Existing law provides that wages, for purposes of unemployment compensation, includes all tips which are received while performing services which constitute employment and included in a written statement furnished to the employer pursuant to a specified federal provision. This provision became operative on October 1, 1985

This bill would provide that this provision shall apply with respect to wages earned on or after January 1, 1986, in conformity with the provisions of federal law.

The bill would also provide that its provisions would take effect immediately as a tax levy

Ch 5 (SB 806) Presley. Community Parklands Program: bond issue

Under existing law, there are local assistance grant programs established for park, beach, recreational, and historical resources preservation purposes.

This bill would enact the Community Parklands Act of 1986, which, if adopted, would authorize for those purposes, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$100,000,000. The bill would provide for submission of the bond act to the voters at the June 3, 1986, direct primary election and, upon approval of the voters, would become operative on July 1, 1986

The bill would take effect immediately as an urgency statute

Ch 6 (AB 1982) Costa. Water conservation, groundwater recharge, and drainage projects: state bonds

The Clean Water Bond Law of 1984 provided for the issuance of state bonds and the expenditure of the proceeds for certain water pollution control programs, and for loans to local agencies to aid in the conduct of voluntary, cost-effective capital outlay water conservation programs.

This bill would enact the Water Conservation and Water Quality Bond Law of 1986, which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not exceeding \$150,000,000 for purposes of providing loans to local agencies to aid in the acquisition and construction of voluntary, cost-effective capital outlay water conservation programs and groundwater recharge facilities and to aid in the construction of drainage water management units, as specified. The bill would also state legislative intent with regard to specified language in the Clean Water Bond Law of 1984

The bill would provide for submission of the bond act to the voters at the June 3, 1986, direct primary election and the bond act would take effect upon adoption by the voters

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 7 (SB 656) Seymour. Special education funding: instructional personnel services

Existing law directs that the California Master Plan for Special Education be operated pursuant to specified objectives concerning the provision of educational opportunities to individuals with exceptional needs. Existing law also expresses the legislative intent

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that at least \$60,000,000 be appropriated in the 1986-87 fiscal year and that at least \$120,000,000 be appropriated in the 1987-88 fiscal year, in addition to other appropriations, for expenditure as specified to assure fulfillment of those objectives.

This bill instead would express the legislative intent that at least \$55,000,000 be appropriated in the 1986-87 fiscal year and that at least \$115,000,000 be appropriated in the 1987-88 fiscal year, in addition to the other appropriations, for expenditure as specified.

This bill also would appropriate \$5,000,000 to Section A of the State School Fund for special education program growth, in augmentation of funds appropriated in the Budget Act of 1985. The bill would state the legislative intent that those additional funds are to be considered an advance allocation on the funds appropriated in the Budget Act for the 1986-87 fiscal year, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 8 (AB 2581) N. Waters. California Exposition and State Fair.

(1) Under existing law, the California Exposition and State Fair is governed by an 11-member board of directors appointed by the Governor with the consent of the Senate, as specified

This bill would instead provide that 9 members of the board would be appointed by the Governor and 2 members would be appointed by the Legislature, as specified.

(2) Existing law does not require the Board of Directors of the California Exposition and State Fair to send copies of requests for proposals that will involve agreements lasting in excess of 20 years to the Legislature.

This bill would require the board to send copies of such a request for proposal to the Assembly Committee on Rules and the Senate Committee on Rules

(3) The bill would create the California Exposition and State Fair Enterprise Fund and would require all funds received by the California Exposition and State Fair to be deposited in the fund.

(4) The bill would require the Department of Finance to clearly indicate in the annual budget narrative and display the amount of any General Fund money appropriated to the California Exposition and State Fair and the amount of any funds from the California Exposition and State Fair transferred to the General Fund, as specified.

(5) The bill would, until January 1, 1991, require the Auditor General to prepare an annual report on the fiscal status of the California Exposition and State Fair

(6) The bill would make an appropriation by transferring \$800,000 from the General Fund to the California Exposition and State Fair Enterprise Fund for expenditure during the 1985-86 fiscal year.

The bill would require the Controller to transfer, after January 1, 1986, from the General Fund to the California Exposition and State Fair Enterprise Fund all operating funds received by the California Exposition and State Fair from July 1, 1985, through the effective date of the creation of the California Exposition and State Fair Enterprise Fund, that are in excess of \$6,868,000. The California Exposition and State Fair would also be required to study reinstating the county exhibits, and provide that any update of a master plan for the California Exposition and State Fair be required to include a study of the feasibility of establishing an equestrian center at the facility.

(7) The bill would appropriate the funds in the California Exposition and State Fair Enterprise Fund for encumbrance only during the 1985-86 fiscal year. The bill would also express the intent of the Legislature that, commencing with the 1986-87 fiscal year, the fund shall be subject to legislative review and appropriation through the annual Budget Act.

(8) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 9 (AB 315) Stirling. Real property: common interests.

The Davis-Stirling Common Interest Development Act contains provisions respecting the creation and attributes of common interest developments. That act became effective January 1, 1986. That act applies when a separate interest coupled with a common interest is conveyed, provided that certain documents are recorded.

This bill would provide that the act applies when a separate interest coupled with a common interest has been, or is, conveyed, provided that certain documents are record-

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ed. It would specify that certain requirements applicable to declarations or liens apply only to declarations or liens filed on or after January 1, 1986. It would also specify that an association established to manage a common interest development has standing to sue in specified instances, without reference to its establishment under the Davis-Stirling Common Interest Development Act.

The bill would delete obsolete code sections

The bill would take effect immediately as an urgency statute

Ch. 10 (SB 1069) Lockyer. Crimes.

Under existing law, any willful and knowing violation of certain domestic relations orders obtained pursuant to specified provisions of law, which results in an injury, constitutes a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than 6 months, or by both the fine and imprisonment

This bill would delete the requirement in the above provision that an injury result from the violation of those orders, thereby imposing a state-mandated local program by expanding the scope of an existing crime

Under existing law, whether a fine or imprisonment, or sentence is suspended, the person violating the above provision is required to be imprisoned in the county jail for at least 48 hours

This bill would make the mandatory imprisonment applicable only where the violation results in a physical injury.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 11 (AB 1293) Seastrand. School transportation.

(1) Existing law authorizes any school district with an average daily attendance of less than 2,501 in any fiscal year, for that fiscal year, to apply to the State Department of Education for an apportionment for transportation equipment, as specified.

This bill would revise the provisions of current law to authorize school districts and county offices of education with an average daily attendance of less than 2,501 in the current fiscal year, to receive apportionments for the replacement of schoolbuses, as prescribed.

This bill would require the State Department of Education to develop priority categories for funding under this bill which are based solely on vehicle age and mileage. This bill would require 75% of the funds available in any fiscal year for the purposes of this bill to be distributed to school districts and county offices based upon priority categories which utilize only vehicle age, mileage, and type of vehicle. This bill would require 25% of these funds to be allocated based upon the condition of the vehicles replaced. This bill would require school districts and county offices to submit evidence of the condition of vehicles, as prescribed.

This bill would require the State Department of Education to estimate the cost of a replacement vehicle of the same capacity as the vehicle being replaced. This bill would specify that a school district's or county office's entitlement shall equal the department's estimated cost, less any contributions. This bill would authorize school districts and county offices to use additional district or county office funds to purchase a schoolbus which is more expensive than the model used by the department to estimate the cost.

~~This bill would also authorize school districts and county offices of education with an average daily attendance of 2,501 or more, but less than 6,000, in the current fiscal year to apply to the State Department of Education for the purchase of transportation equipment, as prescribed. This bill would require the department to adopt regulations regarding district and county office applications under these provisions. This bill would require the department to grant applications for apportionments, to the extent that funds are available, according to prescribed priorities. This bill would require these school districts~~

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~~and county offices to pay a percentage of the estimated cost of the purchase of new schoolbuses, based upon prescribed calculations.*~~

(2) This bill would appropriate \$300,000 from the Driver Training Penalty Assessment Fund to the California Highway Patrol to fund an engineering study and economic analysis of minimum standards for schoolbus replacement, reconditioning, inspection, and preventive maintenance, and to identify schoolbuses which are suitable for retrofitting to meet 1977 federal safety standards, to be administered by the California Highway Patrol, with the assistance and cooperation of the State Department of Education, as prescribed

(3) This bill would take effect immediately as an urgency statute.

Ch. 12 (SB 146) Presley Correctional facilities.

Existing law contains the County Jail Capital Expenditure Bond Act of 1981 and the County Jail Capital Expenditure Bond Act of 1984.

This bill would enact the County Correctional Facility Capital Expenditure Bond Act of 1986, which, if adopted by the people, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$495,000,000 to provide for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities.

The bill would declare that it would take effect immediately as an urgency statute

Ch. 13 (AB 1317) Bradley Julian Community Services District. standby charges.

Under existing law, community services districts are generally authorized, with specified exceptions, to fix and collect, in accordance with prescribed procedures, water standby or availability charges of not to exceed \$10 per acre per year for each acre of land, or \$10 per year for each parcel of land less than an acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would increase that limit, in the Julian Community Services District only, to \$40 per year for each acre or \$40 per year for a parcel less than an acre. The bill would make legislative findings as to the need for a special law

The bill would take effect immediately as an urgency statute

Ch. 14 (AB 1489) Connelly. Probate

Under existing law, any person interested may contest a will.

This bill would provide that an executor named in the will is under no duty to defend the contest until appointed as executor by the court

Existing law requires the executor or administrator of an estate to take into possession all the estate of the decedent.

This bill would provide that an executor or administrator who in good faith takes possession of property reasonably believed to be part of the estate is not criminally or civilly liable for so doing. It would provide that if property is determined not to be part of the estate it shall be returned together with all rents, issues, and profits less any expense incurred.

Existing law provides that the court may allow as expenses those allowances for extraordinary services as may be necessary for the executor or administrator to prosecute, defend, or perform, such as, among others, services for the successful defense of a will

This bill would instead permit the allowance as expense for the good faith defense of a will contested after it is admitted to probate, and the successful defense of a will contested before it is admitted to probate.

Ch. 15 (SB 1553) Doolittle. Court reporters: compensation.

(1) Existing law provides that the fee for reporting testimony and proceedings in contested trial court cases is \$55 per day, or fractional part thereof, with specified exceptions. In Sierra County, the fee for reporting testimony and proceedings in contested trial court cases is \$75 per day, or any fractional part thereof

This bill would delete that exception for Sierra County and provide, instead, that the

Board of Supervisors of Sierra County may, by ordinance, prescribe a higher rate of compensation for superior court reporters. The bill would also add similar provisions allowing the boards of supervisors of Inyo and Mono Counties to prescribe higher rates of compensation for superior court reporters.

(2) The changes made by the bill would remain in effect only until January 1, 1988, at which time the provisions in the bill would revert to existing law, unless a later statute enacted before January 1, 1988, extends that date.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 16 (AB 2536) Cortese. Disaster relief.

(1) Existing law establishes within the Reserve for Economic Uncertainties a Disaster Response Emergency Operations Account, which is appropriated for allocation by the Director of Finance, upon an order of the Governor, to any state agencies for costs incurred related to emergencies, as defined, declared by the Governor. The account would remain operative only until June 30, 1988.

This bill would, in addition, authorize the allocation of funds from this account to local agencies. Also, the bill would authorize funds allocated from the account to be used to cover the costs of providing disaster victim assistance.

The bill would also transfer the sum of \$115,000,000 from the Reserve for Economic Uncertainties to the Disaster Response-Emergency Operations Account to be used as specified in the bill.

The bill would specify that \$10,000,000 of the funds transferred under the bill shall be allocated by the Director of Finance to the State Department of Social Services to provide individual and family disaster assistance to persons incurring damage due to storms and floods occurring in February 1986.

The bill would specify that \$80,000,000 of the funds transferred to the account under the bill shall be allocated by the Director of Finance, in cooperation with the Office of Emergency Services, to counties declared to be in need of disaster assistance by the Governor, as specified in the bill. Each eligible county would be required to submit claims to the state for these funds under a specified procedure.

The bill would require each board of supervisors in a county eligible to receive these funds to establish an advisory body, to be composed of members of each affected local agency incurring costs in the county due to storms and floods occurring in February 1986, in order to recommend to the board of supervisors how funds received by each county should be distributed by the county. The board of supervisors, subsequent to a public hearing, would be required to make the final decision on the distribution of these funds.

The bill would specify that \$5,000,000 of the funds transferred to the Disaster Response Emergency Operations Account would be transferred from that account to the 1986 Flood Disaster Account, which would be created by the bill. These funds would be appropriated for allocation by the Office of Emergency Services to reclamation districts for the repair of levees, as specified in the bill.

The bill would authorize the Department of Finance to establish standards, which would not be subject to the review and approval of the Office of Administrative Law, for the allocation of funds to local agencies.

This bill would provide that the amount of financial assistance provided to an individual, business, or governmental entity under this paragraph or pursuant to any other program of state-funded disaster assistance shall be deducted from sums received in payment of damage claims asserted against the state, its agents, or employees for causing or contributing to the effects of storms and floods of February 1986. It would provide that this assistance shall constitute a lien in favor of the state against any recovery by a recipient of disaster aid from any other source for property damages arising out of or by virtue of that disaster.

Since the bill transfers money into a continuously appropriated account, it would constitute an appropriation.

(2) Existing property tax law permits a county, by ordinance, to provide for the reassessment of certain real property which is damaged or destroyed as the result of misfortune or calamity as specified.

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This bill would permit owners of eligible property, as defined, which is located in a county which has been proclaimed by the Governor to be in a state of disaster as the result of storms and floods occurring during February 1986, and which has adopted an ordinance referred to above, to apply for a deferral, without penalty or interest, of the second installment of regular secured roll property taxes for the 1985-86 fiscal year in conjunction with or in addition to the filing of an application for reassessment. This bill would provide for the making of allocations by the Controller upon certification by the Director of Finance, to counties in which this property tax deferral program is applicable to cover delinquencies in the 2nd installment of 1985-86 fiscal year secured roll property taxes. This bill would require the tax collector and other county officials to perform various duties in connection with the administration and implementation of this program. This bill would also require counties which have received these delinquency allocations to remit to the Controller on or before December 31, 1986, an amount which is equal to the allocations previously received for 1985-86 fiscal year property tax delinquencies attributable to the 2nd installment of secured roll taxes, less the amount of the property tax revenue lost in the 1985-86 fiscal year as the result of reduced assessments of property which was damaged or destroyed as the result of the storms and floods of February 1986.

This bill would permit those counties in which the property tax deferral program is applicable to enact an ordinance permitting owners of eligible property, as defined, to apply for the deferral of the payment of unpaid nondelinquent 1985-86 fiscal year supplemental roll taxes. If that ordinance is adopted, the bill would provide for the making of allocations by the Controller upon certification by the Director of Finance of the amount of supplemental roll taxes so deferred. This bill would also require the counties receiving these allocations to remit to the Controller on or before December 31, 1986, an amount equal to the amount of the allocations received less the amount of its supplemental roll property tax revenue lost in the 1985-86 fiscal year as the result of reduced assessments of property which was damaged or destroyed as the result of the storms and floods of February 1986 or for which a deferral of supplemental roll taxes was claimed.

(3) Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law permit the deduction of losses resulting from fire, storm, shipwreck, or other casualty, or from theft and not compensated by insurance in computing income subject to taxation under those laws.

This bill would permit disaster losses resulting from forest fire or any other related casualty occurring in 1985 in this state or from storm, flooding, or any other related casualty occurring in 1986 in California to be carried forward to each of the 5 taxable or income years succeeding the year of the loss if the loss exceeds the taxable or net income of the taxpayer of the loss year. This carry forward would be applicable to any loss sustained during February 1986 as the result of storm, flooding, or any other related casualty occurring in any county in this state which was proclaimed by the Governor to be in a state of disaster.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose state-mandated local programs in connection with the county administration of the property tax deferral program and the required procedure for the allocation of grant moneys by counties to local agencies and the reporting of costs of all local agencies by counties incident to claiming these grant moneys.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act. This bill would provide, however, that costs mandated upon local agencies by this bill would be paid for out of funds appropriated pursuant to the bill.

(5) The bill would provide that if any provision of this bill or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other

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provisions or applications of the bill which can be given effect without the invalid provision or application, and to this end the provisions of this bill are severable

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 17 (AB 1437) Leonard. Mental health: hospitals.

Existing law places no maximum limit upon the patient population at Patton State Hospital.

This bill would prohibit a population at Patton State Hospital in excess of 1,336, or the licensed capacity, if less.

This bill would appropriate \$2,178,354 to the State Department of Mental Health from the Special Account for Capital Outlay for expenditure for security improvements and other necessary improvements related to those security improvements at Patton State Hospital.

The bill would also permit any funds which have been appropriated for preliminary plans for office buildings at Atascadero State Hospital to be utilized for planning for construction in accordance with specified requirements.

This bill in addition would require the department to make a security risk potential assessment of criminal patients and to, if possible, admit only medium- or low-risk criminal patients to Patton State Hospital.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 18 (AB 2578) Rogers. Courts.

Existing law requires that, whenever a trial is had in which a crime committed in furtherance of or in connection with an escape or attempt to escape a state prison is charged, or whenever a trial is had for a conspiracy in a case where one or more objectives of the conspiracy is an escape, the county or counties in which pretrial proceedings and trial are held shall prepare a statement of the costs incurred in connection with the trial for reimbursement, as specified

This bill would appropriate \$250,000 to the Controller for allocation and disbursement (1) of \$165,000 to Marin County for costs incurred pursuant to the above provisions of existing law in the 1984-85 and 1985-86 fiscal years, and (2) of \$85,000 from the Special Account for Capital Outlay to the Judicial Council for construction of office space in the Fresno state building in augmentation of category (1) of Item 0250-301-036 of the Budget Act of 1984.

The bill would express the intent of the Legislature that, after the bill is chaptered, no further funds shall be appropriated for construction of office space in the Fresno state building in the 1985-86 fiscal year. The bill would also require the Controller to reduce the amount appropriated by this bill for construction of office space in the Fresno state building by any amounts appropriated for use in the 1985-86 fiscal year for this purpose by any statute chaptered in 1986.

The bill would take effect immediately as an urgency statute.

Ch. 19 (AB 297) Vasconcellos. Payment of claims

This bill would appropriate \$4,574,931.03, as scheduled, to the Secretary of the State Board of Control for the payment of claims against the State of California.

This bill would take effect immediately as an urgency statute.

Ch. 20 (AB 1833) N. Waters. Pest control: pesticides.

Under existing law, the Director of Food and Agriculture is vested with specified powers and duties concerning plant, animal, and poultry quarantine and pest control. Existing law, until January 1, 1988, establishes procedures, as specified, for any judicial challenge to any of the foregoing activities which supersede general procedures for issuance of a writ of mandate. Existing law also, until January 1, 1988, makes any program for the regulation of pesticides certified pursuant to specified provisions of the California Environmental Quality Act by the Secretary of the Resources Agency as exempt from environmental impact report requirements, applicable to the use of pesticides by any state agency acting under authority of the Food and Agricultural Code in eradicating or controlling a plant or animal pest.

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This bill would revise the foregoing provisions in effect until January 1, 1988, to provide that they shall not limit review of a decision of the director to proceed with a control or eradication project and make the foregoing provisions concerning exemption from environmental impact requirements applicable only to eradication of a plant or pest.

The bill would take effect immediately as an urgency statute.

Ch. 21 (AB 731) Condit. Liquefied petroleum gas detectors: State Fire Marshal.

(1) Existing law does not require that any new liquefied petroleum gas detector or automatic high pressure shutoff device sold by any person on or after January 1, 1987, in this state be approved, prior to sale, by the State Fire Marshal.

This bill would impose this requirement. It would define the terms "liquefied petroleum gas," "detector," and "automatic high pressure shutoff device" for purposes of its provisions. Violation of this requirement would be a misdemeanor. Creation of a new crime would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 22 (AB 999) Duffy Alzheimer's disease institutes.

Existing law, among other things, establishes within the Department of Aging a program to encourage the establishment of day care resource centers for individuals with Alzheimer's disease. Existing law also permits postsecondary higher educational institutions with medical centers to establish diagnostic and treatment centers for Alzheimer's disease and requires the State Department of Health Services to administer grants to those postsecondary higher educational institutions which establish those centers. The State Department of Health Services is also required to administer a grant program for research for a cure for Alzheimer's disease.

This bill would establish a 4-year demonstration project for 3 Alzheimer's disease institutes to be administered by the Office of Statewide Health Planning and Development. An organization or entity proposing to conduct an institute would be required to meet specified requirements, including the financing of the institute. The bill would specify the objectives of, and services to be provided by, the Alzheimer's disease institutes. The institutes could be charged fees by the office and the State Department of Health Services. The bill would provide that services being reimbursed by Medi-Cal shall continue to be reimbursed and would specify that the bill does not provide for new Medi-Cal service categories or rates.

The bill would require the office to make specified reports to the Legislature.

The provisions of the bill would be repealed on July 1, 1990, unless a later enacted statute deletes or extends that date.

This bill would take effect immediately as an urgency statute.

Ch. 23 (AB 1671) Condit. Airports. City of Atwater.

This bill would validate an allocation by the Department of Transportation to the City of Atwater from the Aeronautics Account in the State Transportation Fund totaling \$5,000 and expended by the city for airport purposes during the 1977-78 and 1978-79 fiscal years.

Ch. 24 (SB 1005) Rosenthal. Horseracing: fairs

(1) Under existing law, the California Horse Racing Board may authorize an association licensed to conduct a racing meeting in the northern zone to operate a satellite wagering facility at its racetrack inclosure during the time the association is not conducting a racing meeting if specified conditions are met.

This bill would allow the above associations to be authorized to operate a satellite wagering facility except during the part of the day during which it is conducting a racing meeting.

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The bill would require any association, other than a fair, conducting a meeting with an average daily handle of \$1,500,000 or more, and would authorize any fair or any other association, to make a live audiovisual signal available at reasonable cost to satellite wagering facilities under specified conditions. Every association providing a live audiovisual signal to a satellite wagering facility would be required to cooperate for access to the on-track totalizator

(2) Under existing law, all revenues paid to the state from satellite wagering facilities located at fairs are required to be deposited in a separate account in the Fair and Exposition Fund. Moneys in the account are available to the Department of Food and Agriculture, when appropriated, for repayment of principal and interest on bonds of a joint powers agency issued for improvements only at a fair's racetrack inclosure and, upon approval by the Director of Food and Agriculture, for support purposes of fairs generally.

This bill would continuously appropriate these revenues to the department for allocation by the director, in his or her discretion, for the above purposes and also for repayment of other debt service incurred for improvements to the fair's racetrack inclosure, for repayment of expenses incurred by fairs in establishing and operating satellite wagering facilities, and for health and safety repair projects at fairs

(3) Under existing law, every association conducting a racing meeting may elect to deduct an additional amount up to 0.33 of 1% from the total parimutuel wagers placed within its inclosure for distribution to the city or county where the meeting is located, except that fairs may not make this election unless the city or county in which the fair meeting was conducted levied specified fees or taxes prior to January 1, 1984. A city or county receiving the distribution would be precluded from levying specified taxes

This bill would require a fair in the northern zone which did not conduct horseracing prior to January 1, 1985, to make this deduction for distribution to the city or county, if the city or county elects to take the distribution. If the city or county does not elect to take the distribution, the amount deducted would be paid to the state.

(4) Under existing law, every quarter horse association that conducted a racing meeting in the northern zone prior to January 1, 1979, is authorized to pay a daily state license fee at a reduced rate.

This bill would authorize a quarter horse association which conducts a meeting at a county fair in the northern zone, but which did not conduct horseracing prior to January 1, 1985, to pay a daily state license fee at the same reduced rate.

(5) Under existing law, any 2 associations conducting a meeting at specified fair inclosures with an average daily handle of \$650,000 or less, are authorized, with the approval of the board, to combine their excesses or deficiencies from prior meetings if the associations and the organizations representing horsemen all agree.

This bill would authorize any associations conducting a harness meeting in the northern zone, with the approval of the board, to combine their excesses or deficiencies from prior meetings if the associations and the organizations representing horsemen all agree.

(6) Under existing law, any expenditure of state funds by a county, district agricultural association, or citrus fruit fair is required to be made pursuant to a budget submitted to the Department of Food and Agriculture and approved by the Department of Finance.

This bill would authorize a county, district agricultural association, or citrus fruit fair to expend funds for promotional and public relations purposes of the fair. The Department of Food and Agriculture would be authorized to expend funds for promotional and public relations purposes of county, district agricultural association, and citrus fruit fairs.

(7) Existing law requires a specified portion of the total revenue received by the board to be deposited in the Fair and Exposition Fund. Money in the fund is annually appropriated to the Department of Food and Agriculture for specific purposes and any unallocated balance in the fund is appropriated without regard to fiscal years for allocation by the director for capital outlay or general operational support to county, district, combined county and district, or citrus fruit fairs.

In addition, Chapter 1440 of the Statutes of 1985 appropriated \$2,000,000 of the Outer Continental Shelf Lands Act settlement funds to the department for repayment of a loan

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which has not been authorized.

This bill would make an appropriation by authorizing the department to expend this \$2,000,000 in the 1985-86 and 1986-87 fiscal years for capital outlay and specified deferred and major maintenance projects at county, district, and citrus fruit fairs.

(8) The bill would take effect immediately as an urgency statute.

Ch. 25 (AB 749) Duffy. Dependent adult abuse reporting.

Existing law requires the State Department of Social Services to submit a report to the Legislature on elder and dependent adult abuse, utilizing data compiled from each county.

This bill would create a state-mandated local program by specifying that reports shall be submitted by each county monthly.

The bill would also require that county adult protective service agencies or designated contract agencies, the State Department of Developmental Services, and the Department of Justice shall be consulted in the formulation of reporting forms to be developed by the State Department of Social Services.

Under existing law, state and federal funds are appropriated to each county for various types of social services, including adult protective services.

This bill would create a state-mandated local program by requiring each county welfare department to establish a system for the provision of adult protective services, as defined.

The bill would specify various services which could be provided to adults as part of a county's adult protective services program.

This bill would create a state-mandated local program by providing for mandatory reporting requirements which would apply to local agencies.

Ch. 26 (AB 256) Frazee Department of Motor Vehicles: Pomona field office: mobilehome parks.

(1) The existing subdivided lands law generally requires any person who intends to offer subdivided lands within this state for sale or lease to file an application for a public report, consisting of a notice of intention and a completed questionnaire, with the Department of Real Estate.

This bill would except the purchase of a mobilehome park by a nonprofit corporation from that requirement under specified circumstances.

(2) The Budget Act of 1984 appropriated, and the Budget Act of 1985 reappropriated, funds to the Department of Motor Vehicles for acquisition and preliminary plans for an office building and parking facility in the City of Pomona for the Department of Motor Vehicles.

This bill would appropriate \$12,000 from the Motor Vehicle Account in the State Transportation Fund to the department, in augmentation of the above appropriations, for specified administrative costs necessary to acquire a site for the Pomona field office.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by making a violation of the provisions described in paragraph (1) punishable by a fine or imprisonment, or both. This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

Ch. 27 (AB 2421) Eaves. Contractors: records, bonds, and disciplinary actions.

(1) Under existing law, the Registrar of Contractors may waive the examination for a contractor's license for a qualifying individual if the qualifying individual has, for 5 of the 7 years immediately preceding the application for licensure, been a member of the personnel of record of any licensee who meets specified requirements.

This bill would revise this language to require the qualifying individual to have been listed on the official records of the Contractors' State License Board as a member of the personnel of any licensee who meets specified requirements.

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(2) Existing law provides that a person shall have on file with the registrar of contractors a bond, as specified, before being issued a license.

This bill would provide that the registrar shall accept a bond, required by the above provisions, as of the effective date shown on the bond, if the bond is received by the registrar within 90 days after that date, or even if the bond is not received by the registrar within 90 days after that date, upon a showing by the licensee, on a form acceptable to the registrar, that the failure to have a bond on file was due to circumstances beyond the control of the licensee. The registrar would be required to reinstate the license to which the bond pertains, if otherwise eligible, retroactive to the effective date of the bond.

(3) This bill, in addition, would revise and clarify a provision relating to the bond requirements for qualifying individuals; would require licensees to notify the registrar in writing within 90 days of any change to information recorded under the Contractors' State License Law, in a format prescribed by the registrar; would provide that the failure to comply with an order to pay a specified sum to an injured party in lieu of correction is grounds for the denial of, or the refusal to renew, a license; and would make corrective changes to a provision relating to the issuance of citations for violations of the Contractors' State License Law.

Ch. 28 (SB 854) Mello. Air pollution: districts: hearing boards.

Under existing law, air pollution control districts and air quality management districts are required to have one or more hearing boards to hold hearings on variances or other matters.

This bill, which would not apply to the Bay Area Air Quality Management District and the South Coast Air Quality Management District, would authorize the county counsel to represent a district and the hearing board on a matter relating to a hearing before the hearing board, as long as the same individual attorney does not represent both the district and the hearing board.

Ch. 29 (AB 2402) Filante. Property taxation: exemptions: colleges.

Existing property tax law provides for a welfare exemption under which property used exclusively for various specified purposes and owned and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations meeting specified requirements is exempt from taxation. Chapter 542 of the Statutes of 1985 extends, beginning in the 1986-87 fiscal year, the welfare exemption to property owned by an educational institution of collegiate grade, as defined, meeting all of the specified requirements referred to above.

This bill would make clarifying changes to that law with respect to the requirements involving statements of irrevocable dedication and dissolution clauses of educational institutions of collegiate grade.

This bill would take effect immediately as an urgency statute.

Ch. 30 (AB 524) Costa. Endangered species: project reviews.

Existing law requires, until July 1, 1987, that each state lead agency, as defined, consult with the Department of Fish and Game on every project under the California Environmental Quality Act, and, if the department finds jeopardy to the continued existence of an endangered species or threatened species or destruction or adverse modification of habitat essential to the continued existence of the species, requires the department to require reasonable and prudent alternatives or measures, as described.

This bill would extend the termination date of those requirements to July 1, 1988.

Ch. 31 (AB 1048) Costa. Water quality control: reclamation districts.

(1) Under existing law, any person discharging waste, or proposing to discharge waste, that could affect the quality of the waters of the state is required to file a report with the appropriate California regional water quality control board, containing the information required by the regional board. A person is also required to file a report of any proposed changes in the waste.

This bill would require the State Water Resources Control Board to adopt regulations

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setting forth reasonable time limits within which the regional board would be required to determine the adequacy of the waste discharge report, and would make other related and technical changes.

(2) Under existing law, reclamation districts are not authorized to provide for the generation of hydroelectric power.

This bill would authorize Reclamation District No 1004, in conjunction with the County of Colusa, to construct, maintain, and operate a plant for the generation of hydroelectric power, together with related facilities. The bill would permit the facilities to be financed by the issuance of time warrants as specified, and would prohibit the sale of power generated to customers other than a public utility or public agency. The bill would make legislative findings in this connection.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 32 (AB 1988) N Waters. Criminal trials and investigations.

(1) Under existing law and until January 1, 1989, counties with a population of 300,000 or less may receive reimbursement from the state, without regard to fiscal year, of 90% of the costs incurred by the county for each homicide trial or hearing. Reimbursements are made to a county for those costs incurred which exceed the amount of money derived by the county from a prescribed property tax.

This bill would allow a county with a population of 150,000 or less to obtain reimbursement under the above provision for the costs incurred in the conduct of only one homicide trial or hearing which is continued from a prior fiscal year without limiting the amount of that reimbursement to those costs which exceed the amount of money derived by the county from the prescribed property tax.

Secondly, this bill would revise the amount of reimbursement that a county with a population of 150,000 or less may receive from the state for the cost of 2 or more homicide trials or hearings within a fiscal year to 90% of those costs, in excess of the specified property tax derived, for the first trial, and 85% of the costs incurred for subsequent trials or hearings.

The bill would also set forth the allowable reimbursable costs for counties with a population of 150,000 or less.

This bill would shorten the ~~operative~~ [repeal]* date of the above provisions from January 1, 1989, to January 1, 1988.

The bill would also ~~require~~ [authorize]* the Controller to advance payment to a county for claims under this bill.

The bill would apply to extraordinary costs incurred in the investigation and prosecution of any homicide case if the costs were incurred on or after July 1, 1985.

(2) Existing law requires the Commission on Peace Officer Standards and Training to prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases, and cases involving the sexual exploitation or sexual abuse of children, including, police response to, and treatment of, victims of these crimes.

This bill would express the Legislature's intent that this existing law is to encourage the establishment of investigation guidelines that take into consideration the sensitive nature of the sexual exploitation and sexual abuse of children with respect to both the accused and the alleged victim.

The bill would appropriate \$250,000 to the Controller for expenditures in fiscal year 1985-86 in augmentation of a specified item of the Budget Act of 1985 for purposes of paying the claims set forth in the bill and would authorize a request for a deficiency appropriation for additional amounts.

(3) The bill would take effect immediately as an urgency statute.

Ch. 33 (AB 2156) Klehs Peace officer training.

Existing law requires the Commission on Peace Officer Standards and Training to adopt standards regarding the training of peace officers and to allow required training to be obtained at approved institutions. In lieu of training at an institution, the commission is required to provide the opportunity for testing of those persons who have acquired prior equivalent peace officer training and are under consideration for hire by

an agency participating in the Peace Officer Standards and Training (POST) program.

This bill would delete the requirement that persons eligible for testing must be under consideration for hire by an agency participating in the POST program

Ch. 34 (AB 2276) Hill. Trespass.

Existing law provides that entering another's land which is under cultivation or enclosed by a fence or entering uncultivated or unenclosed lands which are posted, as specified, forbidding trespass, without the written permission of the owner, owner's agent, or person in lawful possession of land and refusing or failing to leave the land immediately upon being requested by the owner, owner's agent, or the person in lawful possession, constitutes trespass and is a misdemeanor.

This bill would provide that any trespass ordinance or resolution adopted by a county which requires written permission of the owner of vacant and unimproved private land, or the owner's agent, or the person in lawful possession of the land in order to enter the land would not apply unless the land is immediately adjacent and contiguous to residential property, or enclosed by a fence, or under cultivation, or posted with signs forbidding trespass, as specified.

Ch. 35 (AB 2034) Bradley. Subdivisions: maps.

Under the Subdivision Map Act, subdivision is defined; however, existing law provides that the definition shall not prevent a purchaser of a unit of land created under the act or local ordinances enacted thereunder from dividing the land one time prior to the time that an equalized county assessment roll has been completed reflecting the creation of the unit proposed to be subdivided.

This bill would provide that the definition does not prevent the purchasers from dividing the land one or more times before completion of the equalized county assessment roll for that property. This bill would also provide that the same subdivider is not prohibited from making consecutive subdivisions of the land and would prohibit local agencies from prohibiting consecutive subdividing of the land because it was previously subdivided.

Ch. 36 (AB 1722) Bronzan. Mental health.

Under existing law, a regional center for developmentally disabled persons is required to develop and implement an individual program plan of services for each eligible client. Services for these persons may include mental health services.

This bill would require the State Department of Developmental Services to make a report to the Legislature containing specified matters concerning the delivery of mental health services to the developmentally disabled.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 37 (AB 357) Clute. Community college fees.

Existing law requires the governing board of each community college district to charge each student a specified fee per semester or per credit semester unit, and directs the Board of Governors of the California Community Colleges to defray those fee requirements for students who are recipients of benefits of certain assistance programs, as specified.

This bill would require the board of governors to also defray those fee requirements for any student who is a child or dependent of a veteran, as specified.

Ch. 38 (AB 2691) Isenberg. Alcoholic beverages: advertising

Existing law, generally, prohibits a manufacturer of alcoholic beverages and a winegrower from paying, crediting, or compensating a retailer for advertising or paying or giving anything of value for the privilege of placing a sign or advertisement with a retail licensee.

This bill would, as an exception to the above, authorize the holder of a beer manufacturer's or winegrower's license to purchase advertising space and time from, or on behalf of, an on-sale retail licensee, subject to specified conditions. One condition would require that the on-sale licensee is the owner of a fully enclosed arena with a fixed seating

capacity in excess of 10,000 seats located in a county of the 8th class

This bill would also make it a misdemeanor for the holder of a beer manufacturer's license or winegrower's license to induce a beer or wine wholesaler licensee to provide that advertising space or time to the on-sale retail licensee. This misdemeanor provision would constitute a new crime and thus impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch. 39 (SB 145) Watson. Child day care facilities

Existing law authorizes the California Health Facilities Financing Authority to, among other things, make secured or unsecured loans to any participating health institution in connection with financing a project, as defined, or refinancing indebtedness incurred by a participating health institution. That existing law provides that the length of the term of a lease on property for a child day care facility may be as long as, or greater than, the term of a loan, and provides for the insurability of a child day care facility, however, a child day care facility operated in conjunction with a health facility is not expressly made eligible to obtain a loan under the California Health Facilities Financing Authority Act.

This bill would specify that a child day care facility, as defined, is a health facility for the purposes of that act.

The bill would take effect immediately as an urgency statute.

Ch. 40 (SB 344) Davis. Criminal justice: funding

Existing law, enacted in 1985, continues the Prosecutors and Public Defenders Education and Training Program by repealing the provisions, enacted in 1982, which would have automatically repealed the program on January 1, 1986. However, the provision creating the Local Public Prosecutors and Public Defenders Training Fund, through which the program was funded, was repealed automatically on January 1, 1986, by a separate provision of law enacted in 1983. The prior training fund was continuously appropriated but subject to annual review through the state budget process.

This bill would reestablish the Local Public Prosecutors and Public Defenders Training Fund, and transfer to it any money in specified General Fund accounts established by the Controller to receive the balance in the prior training fund when it expired, and the amounts otherwise owing to the prior training fund after it expired. The new training fund would not be continuously appropriated.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 41 (SB 367) Foran. Transportation.

(1) Existing law requires the Department of Transportation to prepare a rail passenger development plan annually for submission to the California Transportation Commission for its advice and consent and then to the Legislature, Governor, and Public Utilities Commission.

This bill would delete an obsolete provision with respect to that law.

(2) Under the Sales and Use Tax Law, the estimated increase in sales and use tax revenues resulting from imposing the tax at 4% and on motor vehicle fuel instead of at a 5% rate and not on motor vehicle fuel is transferred from the Retail Sales Tax Fund to the Transportation Planning and Development Account in the State Transportation Fund.

If the amount so transferred in any fiscal year is less than \$110,000,000, the amount of the deficiency in the 1986-87 fiscal year is to be transferred from the General Fund and in the 1987-88 and each subsequent fiscal year from the increase in state revenues due to the imposition of sales and use taxes on diesel fuel, as specified.

This bill would require the amount of the deficiency in the 1987-88 and each subsequent fiscal year to be transferred instead from the sales and use tax on diesel fuel.

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(3) Under existing law, Item 9675-101-890 of the Budget Act of 1985 and \$215,000,000 were appropriated to the Controller for allocation to counties and cities for street and highway maintenance and reconstruction. For this purpose, reconstruction does not include widening or increasing the traffic capacity of a street or highway.

This bill would provide for an increased allocation, as specified, during the 1986-87 fiscal year for cities incorporated after July 2, 1984, which did not receive an allocation during the 1985-86 fiscal year. The bill would also redefine reconstruction to exclude widening to increase traffic capacity, but to include widening to meet the desirable minimum width consistent with design criteria of the Department of Transportation for specified nonfreeway projects.

(4) Under existing law, the city or county receiving an allocation would be required to expend a specified amount, as determined by a specified formula, for maintenance and reconstruction. If the amount expended is less than the specified amount, the gas tax allocation to the city or county would be reduced accordingly during the next fiscal year and the withheld funds would be reallocated to other counties and cities.

This bill would terminate the expenditure matching requirement on July 1, 1987, and would provide that the gas tax allocation to a city or county would not be reduced during a fiscal year if it returns to the Controller in the fiscal year by a specified time the allocation it received for maintenance and reconstruction of streets and highways as specified in (3) above.

(5) Under existing law, there is no requirement that the allocation specified in (3) above be expended within a certain time.

This bill would require the allocation to be expended within one year after its disbursement by the Controller.

(6) The bill would correct an erroneous cross-reference.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 42 (SB 397) Seymour. Transportation federal funded rural projects

Under the Rural Highway Public Transportation Act, all applications for specified federal funds for rural public mass transportation projects are required to be made through the Department of Transportation.

This bill would, notwithstanding any other provision of law, authorize the department to authorize the Controller to make payments to claimants for work performed on a rural public mass transportation project prior to execution of a formal grant agreement if specified conditions are met, and thus would make an appropriation by authorizing the use of appropriated money for a new use.

The bill would revise the legislative findings under that act, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 43 (AB 3339) Bradley. Transaction and use taxes justice facilities: San Diego County.

Existing provisions of the Transactions and Use Tax Law permit districts, as defined, to impose transactions and use taxes in conformity with state sales and use taxes on the sale, storage, use, or other consumption in the district of tangible personal property, unless, that sale, storage, use, or other consumption is exempt from that tax. For that purpose, a district includes any county authorized to impose transactions and use taxes.

This bill would enact the San Diego County Regional Justice Facility Financing Act, which, among other things, would authorize the Board of Supervisors of the County of San Diego to impose for the purpose of financing the regional justice system, as specified, a transactions and use tax for up to 5 years at a rate not exceeding $\frac{1}{2}\%$, if approved by a $\frac{2}{3}$ vote of voters voting on the measure.

The bill would declare that it will take effect immediately as an urgency statute.

Ch. 44 (AB 356) Clute. Veterans' dependents education benefits.

Existing law provides for the administering of educational benefits for dependents of veterans meeting designated requirements by the Department of Veterans Affairs, including living expenses not to exceed \$50 per month for college and trade school students or not to exceed \$20 per month for high school students, tuition and fees as

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authorized under the Education Code for college and trade school students, and not to exceed \$200 per school year or \$240 per full year for high school students.

This bill would increase the maximum amount of these benefits as follows: (1) Living expenses for college and trade school students, not to exceed \$100 per month, and for high school students, not to exceed \$50 per month. (2) Tuition and fees for high school students, not to exceed \$450 per school year or not to exceed \$550 per full year.

Ch. 45 (SB 1552) Campbell. Classified school employees.

Existing law provides for the employment of persons in noncertificated positions in the public schools. Those employees are deemed classified employees.

Existing law also provides for the employment of specified noncertificated employees who are included in the classified service of community college districts.

This bill would designate the 3rd full week in May of each year as Classified School Employee Week, in recognition of classified school employees in the public schools and community colleges and the contributions those employees make to the educational community.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 46 (AB 2352) Hughes. Community colleges financial aid services.

Existing law generally requires the governing board of each community college district to charge each student a specified fee per semester or per credit semester unit. Existing law also provides that specified requirements for forms for student financial aid do not apply to financial aid applicants who seek aid only for those fees and who enroll for less than 6 credit semester units, and requires the Chancellor of the California Community Colleges to prescribe a financial aid application for those students.

This bill would delete the latter provisions and instead would authorize student financial aid funds appropriated for the purpose of assisting students to pay the student fees to be awarded without regard to the requirements generally applicable to student financial aid programs.

Ch. 47 (AB 1467) Condit. Probation

Under existing law, the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant are required to be the primary considerations in the granting of probation.

This bill would recast this provision by specifying that safety of the public is a primary goal through the enforcement of court-ordered conditions of probation and by specifying that the interests of justice include the punishment and reintegration of the offender into the community, and enforcement of conditions of probation.

Existing law requires a county probation officer to determine the level of supervision of a person placed on probation.

This bill would provide that the officer determine both the level and type of supervision consistent with the court-ordered conditions of probation.

Ch. 48 (AB 1382) Grisham. County Employees Retirement Law of 1937 additional service credit

An existing provision of the County Employees Retirement Law of 1937, which does not apply in any county until adopted by the board of supervisors, authorizes the granting of up to 2 years of additional service credit to retiring members, subject to specified conditions, including the condition of forfeiture thereof if the retired member reenters county employment.

This bill would make an exception to that condition for reentries resulting from a temporary callback limited to a maximum of 720 hours of service in any one year. This new authorization would impose state-reimbursable state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this bill for a specified reason.

Ch. 49 (AB 625) McAlister. Division of marital property

Chapter 342 of the Statutes of 1983 enacted (1) provisions establishing a presumption that any property acquired by spouses during marriage in joint tenancy is community property and specifying circumstances which rebut the presumption, and (2) provisions authorizing a prescribed right to reimbursement for a spouse's contributions from separate property towards the acquisition of community property. Chapter 342 of the Statutes of 1983 made these changes applicable to proceedings for division of community property and quasi-community property commenced on or after January 1, 1984, and to proceedings commenced before that date to the extent property division had not become final before January 1, 1984. However, the California Supreme Court in *In re Marriage of Buol*, 39 Cal. 3d 751, held that these provisions could not be applied retroactively to impair vested property rights.

This bill would make the changes in the law enacted by Chapter 342 of the Statutes of 1983 applicable to proceedings commenced on or after January 1, 1984, regardless of when the property is acquired or the date of any agreement affecting the property.

This bill would take effect immediately as an urgency statute.

Ch. 50 (SB 2502) Garamendi. Senior centers

Existing law provides for the Senior Center Bond Act of 1984, which provides funds for acquiring, renovating, constructing, and purchasing of equipment for senior centers, funding startup costs of programs, or senior center program expansion, subsequent to approval of each planned expenditure by the Department of Aging, and upon statutory authorization by the Legislature.

Under existing law, the Senior Center Bond Act Fund is appropriated to the Controller for allocation for approved expenditures, as specified above.

This bill would appropriate the sum of \$46,491,232.80 from the Senior Center Bond Act Fund to the Controller for allocation, at the request of the Director of the Department of Aging, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 51 (SB 139) Deddeh. Pornography definitions

Existing law defines obscene matter, harmful matter, and obscene live conduct for purposes of prohibiting various acts relating to such matter and conduct.

Obscene matter is defined as matter, taken as a whole, the predominant appeal of which, to the average person, applying contemporary standards, is to prurient interests, and is matter which, taken as a whole, goes substantially beyond customary limits of candor in description or representation of such matter, and is matter which, taken as a whole, is utterly without redeeming social importance. Harmful matter is similarly defined with reference to minors and obscene live conduct is similarly defined with reference to live conduct.

This bill would impose a state-mandated local program by changing this definition of obscene matter to replace the requirement that obscene matter, taken as a whole, be utterly without redeeming social importance, with a requirement that the matter, taken as a whole, lacks significant literary, artistic, political, educational, or scientific value. Harmful matter would be similarly defined with reference to minors and obscene live conduct would be similarly defined with reference to live conduct.

The bill would also conform to existing judicial decisions by specifying that contemporary statewide standards are to be applied with respect to harmful matter.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

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Ch. 52 (AB 2328) Stirling. Special hearings. motion to suppress evidence.

(1) Existing law restricts the making of motions to suppress evidence or for the return of property based on an unreasonable search or seizure at a preliminary hearing in the municipal or justice court in felony cases initiated by complaint to evidence sought to be introduced by the prosecution at the hearing. Existing law provides for the making or renewal of the motion at a special hearing in superior court and it provides that the defendant has the right at that special hearing to litigate the validity of the search and seizure de novo.

This bill would provide that a motion could be made at a special hearing in the superior court if the offense was initiated by indictment or if the offense was initiated by complaint and no motion was made at the preliminary hearing. If the motion was made at the preliminary hearing, unless otherwise agreed to by all parties, evidence presented at the special hearing shall be limited to the transcript of the preliminary hearing and to evidence which could not reasonably have been presented at the preliminary hearing, except as provided. The bill would provide that if the people object to the presentation of evidence at the special hearing, the defendant shall be entitled to an in camera hearing to determine that issue. The bill would require the superior court to base its ruling on all evidence presented at the special hearing and on the transcript of the preliminary hearing, and the findings of the magistrate would be binding on the superior court as to evidence or property not affected by evidence presented at the special hearing.

(2) This bill would state legislative declarations that the changes made in paragraph (1) do not create any new grounds for the exclusion of evidence that did not exist prior to the date this bill would become effective, and would state the legislative intent that these changes are procedural only.

Ch. 53 (SB 871) Bergeson Schools graduation requirements.

Existing law requires each school district maintaining any of grades 7 to 12, inclusive, to offer all otherwise qualified pupils in those grades a course of study fulfilling the requirements and prerequisites for admission to the California public universities, and a course of study which provides an opportunity for pupils to attain entry level employment skills in business or industry upon graduation from high school. Existing law specifies that any school district which adopts a required curriculum which meets or exceeds the model standards developed by the State Board of Education pursuant to specified provisions of existing law shall be deemed to have fulfilled its responsibilities under these provisions.

This bill would specify that any school district which adopts a required curriculum that meets or exceeds the model standards developed by the State Board of Education, or which adopts alternative means for pupils to complete the prescribed course of study pursuant to specified provisions of current law, may substitute pupil demonstration of competence in the prescribed subjects through a practical demonstration of these skills in regional occupational centers and programs, work experience, interdisciplinary study, independent study, credit earned at a postsecondary institution, or other outside school experience, as prescribed.

Ch. 54 (SB 55) Mello State taxes: carryover operating loss

Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law do not generally authorize taxpayers subject to the imposition of taxes under those laws to carry the net operating loss, defined as the excess of allowable deductions over gross income, incurred in one taxable or income year to following years. However, Chapter 959 of the Statutes of 1983 and Chapter 938 of the Statutes of 1984 enacted provisions authorizing taxpayers who are engaged in various specified business activities to carry net operating losses, as defined, which are incurred to following taxable years or income years, in a manner as specified.

This bill would authorize certain taxpayers to carry specified amounts of the net operating loss with respect to the business of farming, as defined, incurred in one taxable or income year to following taxable or income years, in the manner specified. It would not apply to net operating losses occurring prior to income and taxable years beginning

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on or after January 1, 1985, or to net operating losses occurring in income or taxable years ending after December 31, 1992.

Under the existing Personal Income Tax Law, the amount of net farm loss in excess of \$50,000 which is deducted from nonfarm income is an item of tax preference. However, that provision does not apply if $\frac{1}{2}$ or more of the taxpayer's average gross income from all sources for the taxable year and the immediately preceding 2 years is from farming.

This bill would instead make that provision inapplicable if $\frac{1}{2}$ or more of the taxpayer's gross income from all sources for 3 out of the immediately preceding 5 years is from farming.

This bill would also correct erroneous references in personal income tax provisions relating to the tax treatment of individual retirement accounts

This bill would require the Franchise Tax Board to report to the Legislature on or before December 31, 1991, on the number of taxpayers making use of the bill's net operating loss carryover provisions and the aggregate amount of the net operating loss which has been carried over for each of specified taxable and income years.

This bill would incorporate the amendments to Section 17063 of the Revenue and Taxation Code which are proposed by AB 742, if both bills are chaptered and this bill is chaptered last.

This bill would take effect immediately as a tax levy

Ch. 55 (SB 34) Dills California State Lottery Act of 1984.

Existing law authorizes the establishment of a statewide lottery and establishes a California State Lottery Commission with broad powers to oversee the operations of the statewide Lottery

This bill would make various technical and clarifying changes to implement this law. More specifically, this bill, among other things, would make the following changes:

(1) This bill would make legislative findings and declarations that the bill is in furtherance of the purpose of the California State Lottery Act of 1984.

(2) Existing law requires the Commission to promulgate rules and regulations which specify the number and value of prizes for winning tickets or shares in each Lottery Game.

This bill, in addition, would provide that annuity contracts which are purchased for prizes shall be exempt from the disclosure requirements of the Lottery Act

(3) Existing law authorizes the Attorney General to maintain and provide summary criminal history information to specified state and local officers, agencies, and entities under specified circumstances

This bill would require the Attorney General to provide this information to the Director, the Deputy Director for Security, and lottery security officers of the California State Lottery

(4) Existing law prescribes the salary of the Director by referencing a provision regarding the salaries of other state officers

This bill would instead require that the Department of Personnel Administration determine the salary of the Director.

(5) Existing law requires the Director to select Lottery Game Retailers based on specified factors and pursuant to Commission regulations

This bill would authorize the Commission to require any information it deems necessary from any person or organization applying for authority to act as a Lottery Game Retailer. It would require the Commission to establish a formal written appeal process concerning application denials and revocations of authority to act as a retailer

(6) Existing law requires the Commission to promulgate rules and regulations prescribing the procedure by which a contract with a Lottery Game Retailer may be terminated, including instances where a Lottery Game Retailer knowingly sells a ticket to any person under the age of 18 years.

This bill, in addition, would provide that any Lottery Game Retailer who employs or uses the services of any person under the age of 18 years for the sale of lottery tickets or shares shall be subject to suspension or revocation of his or her license. However, a person under the age of 18 years may be employed or used to sell lottery tickets or shares,

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if that person is under the continuous supervision of a person 21 years of age or older

(7) The bill would make various other changes in the act governing investigations and prosecutions for violations of the act, audit reports, Commission procurement contracts, and disclosure requirements for suppliers. It would make various other changes regarding disclosure requirements for contracting for goods and services, and would provide that the Commission may deny or cancel a contract with a Lottery Contractor or any person or entity, if any of the following apply.

(a) False statements have been made in any information.

(b) Any of the persons or entities have been convicted of a crime punishable as a felony.

(c) Any of the persons or entities have been convicted of an offense involving dishonesty or any gambling-related offense.

It would authorize any business or entity to manufacture, assemble, repair, maintain, print, or otherwise produce and transport products which are used in a state lottery.

(8) Existing law provides for a State Lottery Fund within the State Treasury which is continuously appropriated for the purpose of carrying out the purposes of the act. The fund shall include, among other things, all proceeds from the sale of lottery tickets.

This bill, in addition, would provide that the Treasurer shall designate a depository to receive Lottery proceeds for transmission to the State Treasury and for deposit in the State Lottery Fund.

(9) This bill would include in the definition of "forgery" in the Penal Code, the counterfeiting of a lottery ticket or share purporting to be issued under the act. It would declare legislative intent that this change is declaratory of existing law. It would also prohibit the possession or receipt of any such lottery ticket or share with specified criminal intent.

(10) This bill would make the commission subject to the Small Business Procurement and Contract Act, would require bidders and contractors for major state lottery procurement contracts to include specific plans or arrangements to utilize subcontracts with socially or economically disadvantaged small business concerns, and would require the Commission to adopt contract proposal evaluation procedures, criteria, and contract terms which will achieve the most feasible and practicable level of participation by these business concerns in the lottery's procurement programs.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by requiring local governmental agencies to enforce misdemeanors established by the bill.

This bill would provide that no reimbursement is required by this act for a specified reason.

(12) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 56 (SB 189) Deddeh. Teachers' Retirement Board: composition-community college instructor.

The State Teachers' Retirement Law presently provides that the system is administered by the 11-member Teachers' Retirement Board. Two of the members of the board must be members of the system, who, when appointed, are classroom teachers in grades kindergarten through 14. Another member of the board must be a member of the system. All 3 such members are appointed by the Governor for 4-year terms from a list submitted by the Superintendent of Public Instruction.

This bill would increase the membership of the board from 11 to 12 by adding the Director of Finance. This bill would also delete the member of the board who is a member of the system and would, instead, add a member of the system who would be required, when appointed, to be a community college instructor with expertise in business or economics or both, and who would be appointed by the Governor for a 4-year term from a list submitted by the Chancellor of the California Community Colleges. This bill would also provide that the 2 classroom teacher-members of the board shall be a classroom teacher in grades kindergarten through 12, instead of 14, and would make related changes.

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This bill would also appropriate from the Teachers' Retirement Fund to the board for implementing this act during fiscal year 1985-86, the sum of \$4,000.

Ch. 57 (AB 70) Elder. Drivers' licenses: renewal by mail.

Existing law authorizes the Director of Motor Vehicles to renew drivers' licenses by mail for a 4-year period under certain conditions, including a condition that the licensee's record shows no involvement in a traffic accident for the 4 years immediately preceding the determination of eligibility for renewal. For this purpose, a driver's record which shows involvement in not more than one traffic accident within a 2-year period preceding renewal of the license is not considered involvement in an accident if the driver met the accident reporting and financial responsibility requirements of existing law and was not cited for any violation of the Vehicle Code in connection with the accident.

This bill would extend this accident exemption provision to a demonstration license renewal by mail program which the director is authorized to conduct.

Ch. 58 (AB 1019) O'Connell. Bicycles: passengers.

(1) Existing law prohibits a person riding a bicycle upon a highway from having a passenger unless the passenger is upon a separate seat. If the passenger is a minor weighing 40 pounds or less, the seat is required to retain the minor in place and to protect the minor from the moving parts of the bicycle.

This bill would make the above seating requirement with respect to a minor weighing 40 pounds or less applicable to any persons 4 years or younger, or weighing 40 pounds or less, and would prohibit any person operating a bicycle upon a highway from allowing any person 4 years or younger, or weighing 40 pounds or less, from riding as a passenger unless the passenger is also wearing a helmet, as defined, meeting or exceeding specified standards. The bill would make a violation an infraction and specify the maximum fine, thereby imposing a state-mandated local program.

A court would be required to dismiss the first violation of this provision if the person charged produces proof that a helmet meeting the standards has been purchased for the passenger 4 years or younger, or weighing 40 pounds or less.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 59 (AB 2287) Peace. Appeals.

Existing law specifies various instances when the people may appeal in a criminal case.

This bill would also allow appeal from the illegal imposition of a sentence, except as specified. It would also provide that the provisions that set forth the instances when the people may appeal do not authorize an appeal from an order granting probation, but that the people may seek appellate review of a grant of probation, as specified, by a petition for a writ of mandate or prohibition.

These provisions would remain in effect until January 1, 1988, when they would be repealed.

Ch. 60 (AB 204) Peace. Schools. buses

Existing law authorizes any school district with an average daily attendance of less than 2,501 in any fiscal year, to apply to the State Department of Education for an apportionment for transportation equipment, as specified.

This bill would additionally grant that authorization to a county office of education with an average daily attendance of less than 2,501. This provision would only become operative if AB 1293 is not chaptered, or, if AB 1293 is chaptered, it does not amend the provisions of law relating to applications to the State Department of Education for an apportionment for transportation equipment.

The bill also would require the State Department of Education, in allocating any funds for schoolbus replacement or reconditioning, to allocate funds for vehicles used in

special education in not less than the proportion as the percentage of vehicles used compares to total schoolbuses in the state. It would require the department to adopt regulations to implement these provisions in an equitable manner.

Ch 61 (AB 1961) Klehs. Democratic state central committee.

Existing law provides that the membership of the democratic state central committee shall include, among others, the President of the Federation of Young Democrats

This bill would provide that the membership shall include additional specified officers of the Federation of Young Democrats, and any officer of the National Young Democrats who resides in California

Ch 62 (SB 601) Royce Property

Existing law prohibits any person or legal entity from maintaining a civil action to enforce an agreement providing for a change in ownership of real property or a mobile-home subject to property taxation until the required change-in-ownership statement is filed or the agreement is recorded with the county recorder

This bill would instead impose that requirement for real property sales contracts, as defined, and for conditional sales contracts for mobilehomes subject to property taxation and subject to other specified provisions of law, providing for a change in ownership.

It would provide that it is declaratory of existing law

The bill would declare that it is to take effect immediately as an urgency statute

Ch 63 (SB 1547) Maddy Controlled substances loperamide

Existing law includes loperamide within Schedule V of the California Uniform Controlled Substances Act.

This bill would delete loperamide from the list of controlled substances included within that schedule

This bill would take effect immediately as an urgency statute.

Ch 64 (AB 1694) Condit. State hospitals release of criminal defendants.

Existing law requires, whenever a criminal defendant who has been committed to a state hospital following a plea of not guilty by reason of insanity is released for any reason, including placement on outpatient status, that the director of the hospital notify the community program director of the county, and the chief law enforcement officer of the jurisdiction, in which the person will reside upon release, if that information is available

This bill would also require the county mental health director to be notified This provision would remain in effect until January 1, 1989, when it would be repealed

Ch 65 (AB 226) Condit. Poultry processing.

(1) Under existing law, any person engaged in raising or importing, or who keeps in captivity, in this state, domesticated game birds which normally live in the wild is required to obtain a domesticated game breeder's license from the Department of Fish and Game Existing law also requires persons who sell the carcasses of these birds to obtain a domesticated game breeders license and prohibits the transportation or sale of a carcass of a domesticated game bird raised in this state without a domesticated game breeder's tag or seal affixed to it.

This bill would authorize poultry processing plants which process domesticated game birds received from these licensees to package and label the carcass in a specified manner in lieu of the tag or seal. The bill would also require these plants to maintain specified records relating to domesticated game birds which would be available to officers of the department Since violation of this requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 66 (AB 221) Konnyu. Public social services: income verification.

Under existing law, the State Department of Social Services is required to match interest, dividends, and other income of applicants for, or recipients of, public assistance, utilizing the records of the Franchise Tax Board. The Franchise Tax Board is required to annually provide the identities of applicants or recipients of public social services who earned interest or dividends within the prior calendar year to the department. The board is also required to provide the department with information identifying the amount of the interest or dividends paid, and the address and name of the payer.

This bill would revise the type of information the board would be required to provide to the department.

Existing law also requires that the department, if it determines that the income reported by an applicant or recipient does not agree with the information received from the board, to refer the matter to the appropriate agency.

This bill would, on July 1, 1987, eliminate that requirement, and would, instead, require that the matched information be forwarded to the appropriate county welfare department for use in determining eligibility of, and proper grant amount for, applicants for, and recipients of, certain aid or public social services. The bill would require the State Department of Social Services to report to the Legislature when the department implements federal regulations requiring the matching of unearned income in the Aid to Families with Dependent Children and Food Stamp programs, and would require the state to pay 100% of the nonfederal share of costs associated with the asset match initial case review function, until the department implements those federal regulations.

Ch. 67 (AB 946) Herger. Plant quarantine and pest control.

Under existing law, if any shipment of plants or any other things against which a plant quarantine has been established is brought into the state and it is infested or infected with any pest, or there is reasonable cause to believe it may be infested or infected with any pest, the shipment is required to be destroyed by, or under the supervision of, a plant quarantine officer.

This bill would instead require the destruction of any shipment of plants or any other thing found to be in violation of interstate shipment laws or any quarantine which has been established and is infested or infected, or there is reasonable cause to believe it may be infested or infected, with any pest.

Ch. 68 (AB 1097) Konnyu. Santa Clara and Stanislaus Counties: courts.

(1) Existing law provides for 22 judges of the municipal court for the Santa Clara County Judicial District; except that upon the adoption of a specified resolution or resolutions by the board of supervisors there shall be up to 28 judges.

This bill would provide for 26 judges of the municipal court for the Santa Clara County Judicial District (while retaining the authorization for up to 28 judges), thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law specifies the compensation of superior court reporters pro tempore in Stanislaus County.

This bill would revise the compensation of superior court reporters pro tempore in Stanislaus County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(3) Existing law specifies the compensation of municipal and superior court reporters, and the number, classification, and compensation of attachés of the municipal court, in Santa Clara County

This bill would increase the compensation of municipal and superior court reporters, and would revise the number, classification, and compensation of attachés of the municipal court, in Santa Clara County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified

reason.

Ch. 69 (AB 1949) Elder. Public retirement systems: STRS home loans—county disability retirement.

(1) Existing provisions of the State Teachers' Retirement Law authorize the Teachers' Retirement Board to establish a program utilizing the retirement fund to assist currently employed members and retirants, through financing, to obtain homes in this state, subject to specified conditions.

This bill would revise that provision, including authorizing the board to enter into related correspondent agreements with private lending institutions in this state.

(2) The existing County Employees Retirement Law of 1937 authorizes a county board of supervisors to adopt a nonservice-connected disability retirement provision which permits a member to transfer or be assigned to a different position with duties within his or her capacity and to receive the difference in compensation between the 2 positions in lieu of a disability retirement allowance.

This bill would add a similar nonoptional, service-connected disability retirement provision which would require the board of retirement, under specified conditions, to permit a member to take another position in county or district service which is compatible with a suitable rehabilitation program and to receive the difference in compensation between the former position and the new position as a supplemental disability retirement allowance. This new requirement would impose state-reimbursable state-mandated local program costs.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 70 (SB 597) Hart. School sites nonuse payments disposition of state property: Santa Barbara Community College District.

(1) Existing law requires school districts to make nonuse payments to the state with respect to school sites not used for school purposes for a specified number of years.

This bill would exempt any school district from nonuse payments for any year with respect to a school site leased at least $\frac{1}{2}$ of the year in a specified manner subjecting it to property taxes.

(2) Existing law authorizes the Director of General Services to execute grants of real property belonging to the state whenever the property is sold or exchanged.

This bill would authorize the director, with the approval of the State Public Works Board and the Director of Parks and Recreation, to sell, exchange, or lease a specified parcel of real property. The bill would require public notice and would specify the disposition of any moneys received. By authorizing reimbursement of costs and expenses from the proceeds of the disposition, the bill would make an appropriation.

(3) The bill would take effect immediately as an urgency statute.

Ch. 71 (AB 360) M Waters. Juveniles dependent children of the court.

Existing law provides that persons under the age of 18 who meet various criteria, including that of being destitute, not provided with the necessities of life, or not provided with a home or suitable place of abode, may be adjudged a dependent child of the juvenile court.

This bill would provide that a person may not be adjudged a dependent child pursuant to the above criteria solely due to the lack of an emergency shelter for the family.

Ch. 72 (AB 1531) Bates. Education: criminal records.

(1) Existing law requires every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level to file between the 1st and 15th day of October of each year an affidavit or statement with the Superintendent of Public Instruction, under penalty of perjury, that, among

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other things, specified records are maintained.

This bill would require that criminal record summary information obtained as specified shall be maintained as part of these records.

(2) Existing law requires, commencing October 1, 1985, that a specified affidavit or statement filed with the Superintendent of Public Instruction regarding private schools, under penalty of perjury, include a provision that the private school requires each new employee having contact with minor pupils and not possessing a valid California state teaching credential to obtain a criminal record summary from the Department of Justice, as a condition of employment, as prescribed. Existing law requires the Department of Justice to issue this criminal record summary information to the employer designated by the requesting employee, as prescribed.

This bill would change the content of the affidavit or statement filed with the Superintendent of Public Instruction by requiring the inclusion of a statement manifesting compliance with specified provisions that would require those new employees also to provide 2 sets of fingerprints to the Department of Justice as a condition of employment.

(3) Existing law states that the criminal record summary for each new employee having contact with minor pupils in designated private schools shall only contain convictions involving sex crimes, drug crimes, or crimes of violence.

This bill instead would provide that the criminal record summary contain only arrests resulting in conviction and arrests pending final adjudication.

This bill would require the department also to make available to each private school employer the subsequent arrest service authorized pursuant to specified provisions of existing law.

This bill would require that this information be included as part of the files maintained by the private school pursuant to the requirements of current law in a secured file which is maintained separately from employee personnel files in accordance with regulations for Criminal Offender Record Information Security, as specified.

This bill would define the term "employer" for purposes of these provisions as every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level.

(4) The bill would declare that it would take effect immediately as an urgency statute.

Ch 73 (AB 2672) Statham Community college finance. emergency apportionments

Existing law authorizes emergency apportionments to be provided to community college districts, as specified. In addition, existing law provides for an appropriation of \$4,800,000 from the General Fund to Section B of the State School Fund for emergency apportionments to the Chaffey Community College District, the Lassen Community College District, and the Peralta Community College District for the 1984-85 fiscal year.

This bill would reappropriate \$1,200,000 of that sum for emergency apportionments to the Lassen Community College District for the 1985-86 fiscal year.

This bill would also reappropriate \$3,200,000 of that sum for emergency apportionments to the Peralta Community College District for the 1985-86 fiscal year, and appropriate an additional \$100,000 from the General Fund to the district for that purpose for the 1985-86 fiscal year.

This bill would provide, as a condition of receiving these apportionments, that the Chancellor of the California Community Colleges have the authority to oversee the ongoing fiscal status and repayment efforts of the districts, as specified, and that the district comply with certain requirements of fiscal reporting and budgeting accountability. The chancellor would also be empowered to require either district to file with the federal bankruptcy court under specified conditions.

This bill would also provide that the knowing violation of any provision of the fiscal plan, or any adopted modification of that plan, by any officer or employee of one of these districts would be grounds for removal from office or employment, as specified.

This bill would take effect immediately as an urgency statute.

Ch 74 (SB 1471) Beverly. Property tax exemptions.

Under existing law, personal property owned and operated by an organization incor-

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porated by an act of the United States Congress whose purposes are to provide adequate facilities to assist in meeting local and national emergencies and to promote the public welfare and provide aviation and aerospace education and training is exempt from taxation. This exemption has no force or effect beyond the lien date in 1985.

This bill, commencing with the lien date in 1986, would extend the exemption until the lien date in 1995, and thereby make a property tax classification or exemption within the meaning of Section 2229 of the Revenue and Taxation Code.

The bill would take effect immediately as an urgency statute.

Ch. 75 (SB 1501) Bergeson. Validations.

This bill would enact the First Validating Act of 1986, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would take effect immediately as an urgency statute.

Ch. 76 (AB 4412) Papan. Public social services: Medi-Cal.

Under existing law, the California Medical Assistance Commission is authorized to negotiate exclusive contracts, which are binding upon the State Department of Health Services, with any county for the provision of health care services under the Medi-Cal program.

Existing law authorizes the Board of Supervisors of San Mateo County to establish a county commission for the purpose of negotiating an exclusive contract for the provision of Medi-Cal services in San Mateo County. The commissioners are appointed by a majority vote of the board of supervisors.

This bill would specify that the board of supervisors may appoint no more than 2 of its own members to serve on the commission.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 77 (AB 2202) Felando. Multipurpose Senior Services Program

Existing law provides that provisions governing the Multipurpose Senior Services Program shall remain in effect until a new long-term care delivery system is established pursuant to the Torres-Felando Long-Term Care Reform Act or until June 30, 1986, whichever comes first, and as of that date are repealed.

This bill would extend the above date to June 30, 1989.

This bill would take effect immediately as an urgency statute.

Ch. 78 (AB 341) Johnson. Criminal history information.

Existing law requires a local agency to furnish local summary criminal information to certain persons and entities, when needed in the course of their duties.

This bill would require state and local law enforcement and licensing bodies and departments to provide assistance and information, including state and local summary criminal history information, to the State Bar of California or its authorized representative in connection with any investigation or proceeding within the State Bar's jurisdiction regarding admission or reinstatement to the practice of law or discipline of attorneys. The bill would mandate a new program or higher level of service on local government by imposing new duties on a local criminal justice agency.

This bill would also require the State Bar to require that its applicants for admission or reinstatement to the practice of law be fingerprinted for use (1) in establishing the identity of the applicant and (2) in determining whether the applicant has a criminal conviction record, for use in the evaluation of the character and fitness of the applicant. After admission or reinstatement all fingerprint records of the applicant would be destroyed.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be

made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 79 (AB 1795) Elder. Contractors. bond requirement.

Existing law requires specified applicants for a contractor's license or for restoration of a contractor's license after the license has been suspended or revoked to file a contractor's bond which shall remain on file for a period of at least 2 years. Existing law exempts from this bond requirement only those whose license has been suspended or revoked for a failure to notify the Registrar of Contractors regarding a change of recorded information.

This bill would specify that (1) the bond requirement is applicable to an application for the continued valid use of a license which has been suspended or revoked, but which suspension or revocation has been stayed; (2) the bond is in addition to, may not be combined with, and does not replace any other type of required bond; (3) a bond must be filed for each application or license subject to the bond requirement; and (4) the 2-year bond period shall run only while the subject license is current, active, and in good standing, and shall be extended until such time as the license has been current, active, and in good standing for the required period. The bill would also delete the sole exemption from the bond requirement.

Existing law, with respect to that bond requirement, provides that the amount of bond shall be not less than 3 times nor more than 10 times the amount required by a specified provision of existing law.

This bill would make the minimum amount of the required bond \$15,000.

Ch. 80 (AB 2362) Condit. Controlled substances.

(1) Existing law provides for the imposition of a sentence enhancement upon conviction of specified controlled substances offenses, if the defendant has certain prior convictions relating to controlled substances. The sentence enhancement is a full, separate, and consecutive 3-year sentence for each such prior conviction.

This bill would impose these sentence enhancements, as appropriate, upon conviction for unlawful possession for sale, transporting, importing, or furnishing of, or certain related offenses involving, amphetamines, methamphetamines, and specified salts and isomers of those controlled substances, if the defendant has certain prior convictions relating to controlled substances.

(2) Existing law provides for the imposition of prescribed sentence enhancements for persons convicted of unlawful possession or purchase for sale, transportation, importation, sale, or furnishing of, or certain related offenses involving, prescribed amounts of a substance containing heroin or cocaine.

This bill would provide for the imposition of prescribed sentence enhancements upon conviction of unlawful possession for sale, transportation, importation, or furnishing of, or certain related offenses involving, specified amounts of a substance containing methamphetamine, amphetamine, or phencyclidine, or specified salts, isomers, and certain of their analogs. The length of the additional term would be dependent upon the weight or volume of the substance involved, not including any plant or vegetable material seized.

(3) Existing law provides for the imposition of prescribed sentence enhancements upon conviction of certain manufacturing-related controlled substances violations with respect to any substance containing specified weights or volumes of specified controlled substances.

This bill would expand the list of controlled substances which may be contained in any substance for purposes of the imposition of these sentence enhancements to include amphetamines and methamphetamines, and would provide that plant or vegetable material seized shall not be included in computing the weights or volumes for purposes of this provision.

Ch. 81 (SB 1132) Bergeson. Tax liens: errors: real property

Under existing law, in all actions brought to determine conflicting claims to real property, or for partition of real property or to foreclose a deed of trust, mortgage, or

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other lien upon real property, upon which exists a lien to secure the payment of taxes or other obligations to the State of California, other than taxes upon real property, the state may be made a party, and in the action, the court shall have jurisdiction to determine the priority and effect of the liens described in the complaint in or upon the property, but the jurisdiction of the court in the action shall not include a determination of the validity of the tax giving rise to the lien or claim of lien.

This bill would add to those provisions all eminent domain proceedings, as specified, against real property upon which exists a lien to secure the payment of taxes or other obligations, would specify that the state agency charged with the collection of the tax obligation, instead of the State of California, may be made a party, and would additionally require the complaint or petition to include the name and address of the person owing the tax or other obligation, the name of the state agency that recorded the lien, and the date and place where the lien was recorded.

Existing law provides for the recording of liens in connection with taxes, assessments, and certain fees and charges with the county recorder.

This bill would impose a state-mandated local program by requiring the county tax collector, following a determination that a lien on property for unpaid taxes, assessments, fees, or charges levied by a local public entity, as defined, has been erroneously filed for recordation, to transmit a document to the county recorder stating the facts which indicate the erroneous filing. This bill would also require the recorder to mail the original document to the owner of the property after recording it.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 82 (SB 1261) Seymour Surface mining and reclamation

(1) Under the Surface Mining and Reclamation Act of 1975, with specified exceptions, no person may conduct surface mining operations unless a permit is obtained from, and a reclamation plan is filed with and approved by, the lead agency as defined under the act.

This bill would, upon the request of a surface mining operator or other interested person and payment of the estimated cost of processing the request, require the city or county lead agency, except for specified areas of regional or statewide significance, to amend its general plan, or prepare or amend a specific plan, with respect to continuation of that existing surface mining operation, to plan for future land uses, as specified. The lead agency would be required to make written legislative findings in this connection. The lead agency would be required to transmit its mineral deposit evaluation to the State Geologist and to the State Mining and Geology Board. The above requirements would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 83 (AB 174) Bronzan. Gas rates agricultural processors: study

Under existing law, the jurisdiction and control over public utilities, including gas corporations, is vested in the Public Utilities Commission, including the power to fix rates and charges and to specify the terms and conditions under which service is furnished.

This bill would direct the commission to investigate and study the situation involving rates for gas furnished to agricultural processors and operators of refrigerated ware-

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houses in regions throughout the state whereby processors and operators of refrigerated warehouses in a common production or marketing area are required to pay significantly different rates for the same or similar electric or gas service, taking specified matters into consideration, and to report to the Legislature thereon by April 1, 1987.

Ch. 84 (AB 473) Leonard. Victims of crime: sexual assault.

Existing law provides that the costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sexual assault, when the examination is performed for the purposes of gathering evidence for possible prosecution, shall be charged to the appropriate local governmental agency according to specified criteria.

This bill would include the costs incurred by a physician for this examination within this provision, would provide the law enforcement agency in the jurisdiction in which the alleged offense was committed which requests the examination with the option of determining whether or not the examination will be performed in the office of a physician and surgeon, and would provide that bills for the costs of the examination shall be submitted to the law enforcement agency in the jurisdiction in which the alleged offense was committed which requests the examination.

This bill would impose a state-mandated local program by requiring the requesting law enforcement agency in the jurisdiction in which the alleged offense was committed to receive bills for the costs of the examination of the victim of a sexual assault, and by requiring local agencies to pay the costs incurred by a physician for such an examination.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 85 (AB 2049) Katz. Dismissal: prior felony conviction.

Existing law authorizes a judge or magistrate, either of its own motion or upon the application of the prosecuting attorney, and in furtherance of justice, to order an action to be dismissed. This provision has been judicially construed as giving a judge the power to strike a charge of a prior conviction.

Existing law also requires the court, when imposing a sentence for a serious felony, in addition and consecutive to the term imposed for that serious felony, to impose a 5-year enhancement for each prior conviction of a serious felony. The California Supreme Court in *People v. Fritz*, 40 Cal. 3d 227 has construed existing law as granting a trial court the discretion in sentencing a defendant convicted of a serious felony who has previously been convicted of a serious felony to strike the prior conviction and thus prevent the imposition of the 5-year enhancement for the prior conviction.

This bill would restrict a trial court, with respect to the imposition of the above enhancement, by expressly providing that the provision of existing law which empowers a judge to strike a prior conviction does not authorize a trial court to strike any prior conviction of a serious felony when sentencing a defendant for a present conviction of a serious felony, thus requiring the imposition of a 5-year enhancement for each prior conviction.

This bill would state the Legislature's intent to abrogate the holding in the *Fritz* case. The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 86 (AB 2612) Frazee. Local agencies: special districts.

(1) Existing law requires the automatic disqualification of a special district representative on a local agency formation commission from acting on a proposal affecting the special district. Existing law provides that a city representative on a local agency formation commission shall not be disqualified from acting on a proposal affecting the city. Existing law also provides that any rule or regulation requiring the disqualification of a city representative is null and void.

This bill would clarify existing law by permitting an alternate, as well as a city representative, on a local agency formation commission to act on a proposal affecting the city. This bill would make null and void any rule or regulation disqualifying an alternate city

representative from acting on a proposal affecting the city

In addition, this bill would permit a special district officer on a local agency formation commission to act on a proposal affecting the special district, thus granting special district representatives on a commission authority which is similar to the authority presently granted to a city representative to act on a proposal affecting the city. This bill also would make null and void any rule or regulation disqualifying a special district representative from acting on a proposal affecting a special district. This bill would permit the special district selection committee, at the time it appoints a member or alternate, to disqualify the member or alternate from voting on proposals affecting the district which the member represents.

(2) Existing law authorizes a city selection committee to disqualify a local agency formation commission member or alternate from voting on annexations to the city which the member represents.

This bill would expand the authority of a city selection committee by permitting it to disqualify a member or alternate from voting on any proposal affecting the city which the member or alternate represents.

Ch 87 (AB 1649) Leonard Schools school discipline

(1) Existing law requires the governing board of each school district to prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction. Existing law requires the governing board of each school district which maintains any of grades 1 through 12 to notify the parent or guardian of all pupils in the district of the availability of rules of the district pertaining to student discipline. Existing law requires the principal of each school to take steps to ensure that all rules pertaining to the discipline of pupils are communicated to continuing students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

This bill would delete the requirement in current law that the principal of each school shall take steps to ensure that all rules pertaining to the discipline of pupils are communicated to continuing students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

This bill would impose a state-mandated local program by doing all of the following:

(a) Requiring each public school, on or before December 1, 1987, and every 4 years thereafter, in accordance with the requirements prescribed by this bill, to adopt rules and procedures on school discipline.

(b) Specifying that, in developing these rules and procedures, each school shall solicit the participation, views, and advice of representatives of each of the following groups: parents, teachers, school administrators, school security personnel, if any, and, in junior high schools and high schools, pupils enrolled in the school.

(c) Requiring that the final version of the rules and procedures on school discipline be adopted by a panel comprised of the principal of the school, or his or her designee, and a representative selected by the classroom teachers employed at the school.

(d) Requiring the governing board of each school district to prescribe procedures to provide written notice to continuing pupils at the beginning of each school year and to transfer pupils at the time of their enrollment in the school and to their parents or guardians regarding the rules and procedures on school discipline.

(e) Requiring each school to file a copy of its rules and procedures on school discipline with the district superintendent of schools and governing board on or before January 1, 1988.

(f) This bill would also authorize the governing board to review, at an open meeting, the approved rules and procedures on school discipline for consistency with governing board policy and state statutes.

This bill would require these rules and procedures to be consistent with any applicable policies adopted by the governing board and state statutes governing school discipline. This bill would specify that it is the duty of each school employee to enforce the rules and procedures on school discipline.

This bill would prohibit the hiring of new employees or the use of substitutes in complying with its requirements.

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(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 88 (AB 255) McAlister. Courts: arbitration.

Existing law specifies that all arbitration-related petitions are within the jurisdiction of the superior court, except that such matters are within the jurisdiction of the municipal or justice court if they are based upon the subject matter or pending action properly filed in municipal court.

This bill would exempt uninsured motorist arbitration proceedings from municipal court jurisdiction, bringing such matters within the jurisdiction of the superior court.

This bill would take effect immediately as an urgency statute.

Ch. 89 (AB 679) Bane. Unemployment.

Existing law provides that if the Director of Employment Development finds that the collection of any contributions for unemployment compensation benefits or disability insurance benefits will be jeopardized by delay, the director shall make, and levy against the employer, a jeopardy assessment for those contributions. In levying the assessment the director may demand a deposit of security necessary to ensure compliance.

This bill would specify that the jeopardy assessment may be made only based upon probable cause that any of a specified group of conditions has been met, and would specify the effects of the deposit of security.

Existing law permits a claim for refund or credit to be filed with the Director of Employment Development for any overpayment of unemployment insurance employer contributions.

This bill would provide that following a final decision denying a petition for reassessment, the employing unit or other person which was a party to the petition may file a claim for refund upon payment of the amount of the assessment.

Existing law contains provisions allowing an employer to appeal a jeopardy assessment to an administrative law judge.

This bill would modify this procedure by, among other things, placing the burden of proof on the issue of the reasonableness of the assessment on the director, and specifying factors which the administrative law judge is required to consider.

This bill would take effect immediately as an urgency statute.

Ch. 90 (AB 1240) Konnyu. Building standards.

Existing law requires that the building standards adopted by the Department of Housing and Community Development propose substantially the same requirements as are contained in the most recent edition of various specified model codes adopted by certain private organizations concerned with building standards.

This bill would require the department to notify various specified entities of the dates that each of those model codes are published by those organizations and the dates the codes are approved by the State Building Standards Commission or the dates those codes are considered to be adopted, as specified.

The bill would also permit the department to publish and distribute information bulletins regarding code enforcement as emergencies occur and at other times the department determines appropriate.

Ch. 91 (AB 1738) McAlister. Mortgage brokers. loan disclosures.

Existing law exempts licensed real estate brokers from the Consumer Finance Lenders Law when making a loan secured by real property. These provisions additionally exempt loans made or arranged by a licensed real estate broker from that law. Existing

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law also exempts real estate brokers from that law when making such a loan for sale to a consumer finance lender or arranging for such a loan to be made by a consumer finance lender.

This bill would make a technical, clarifying change in these provisions.

Under existing law, specified real estate brokers who arrange loans secured by real property are required to provide the prospective lender with a written disclosure of, among other things, senior liens on the security property. These real estate brokers are also required to include, in a written disclosure to the prospective borrower, a description of any liens against the real property disclosed by the borrower and the approximate amount thereof.

This bill would require the broker's disclosure to the prospective lender to additionally include pertinent information about other loans the borrower expects or anticipates will result in a lien being recorded against the security property if the broker has participated in arranging the other loan or has received written notification thereof. The bill would require the broker's disclosure to the prospective borrower to specify whether existing liens will remain senior or will be subordinate to the lien that will secure the loan.

Ch 92 (AB 3000) McAlister. Workers' compensation: Uninsured Employers Fund.

Existing law creates the Employment Development Department Contingent Fund in the State Treasury as a continuously appropriated fund for the purpose of refunds of amounts collected and erroneously deposited therein, for interest payable under the unemployment insurance law on refunds and judgments, and for the administration of the Employment Development Department.

Existing law also creates the Uninsured Employers Fund in the State Treasury as a continuously appropriated fund for the purpose of paying the workers' compensation claims of injured employees employed by illegally uninsured employers who fail to pay the required workers' compensation, and to pay the expenses of the Director of Industrial Relations in administering the fund.

This bill would appropriate \$2,287,000 from the Employment Development Department Contingent Fund to the Uninsured Employers Fund to overcome estimated deficiencies for the payment of workers' compensation benefits to injured workers for the 1985-86 fiscal year.

This bill would also permit the Director of Finance to withhold authorization for the expenditure of these funds until the preliminary estimates of the potential deficiencies are verified, and to authorize the expenditure of the funds only to the extent of the verified deficiencies.

This bill would declare that it is to take effect immediately as an appropriation for the usual current expenses of the state.

Ch 93 (SB 79) Dills. Fire inspections.

(1) Under existing provisions of law, which will be repealed on January 1, 1988, by operation of law, the State Fire Marshal is required to identify those fire safety regulations designed to prevent life-threatening situations.

This bill would repeal that requirement and make the provisions relating to fire inspections relate to fire safety regulations and building standards generally, rather than only to life-threatening situations. The bill would also repeal a provision declaring that it is the legislative purpose of the fire inspection provisions to require the reporting of inspections made but not to mandate inspections and would require local fire enforcing agencies to notify owners and operators of hotels, motels, and high-rise structures not meeting the State Fire Marshal's regulations and building standards. The bill would require the owner and operator of those occupancies to comply with the State Fire Marshal's regulations and building standards within a reasonable time as established by the local fire enforcing agency. It would authorize those agencies to require those out of conformance past the deadline to post a notice of nonconformance. The bill would also repeal various list-keeping duties of local fire enforcing agencies with respect to structures not in conformance with regulations and building standards.

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(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 94 (SB 1461) Carpenter. State agencies' records' medical, psychiatric, psychological information.

(1) Under the California Public Records Act, public records, as defined, which are retained by a state or local agency are open to inspection, but personnel, medical, or similar files, as described, are exempt from disclosure. Further, the Information Practices Act of 1977 establishes a comprehensive scheme imposing on most state agencies various affirmative duties and restrictions regarding the collection, retention, use, and disclosure of confidential and personal information, as defined.

The bill would impose a state-mandated local program by making the intentional disclosure of medical, psychiatric, or psychological information in violation of the disclosure provisions of the Information Practices Act a misdemeanor if the wrongful disclosure results in economic loss or personal injury to the individual to whom the information pertains. The provision would not apply to disclosures which are otherwise required or permitted by law.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute.

Ch. 95 (AB 997) Klehs. Voter registration.

Existing law requires ~~the~~ [an affidavit of registration to contain specified information. However, the]* county clerk, in reviewing an affidavit of registration that fails to state the affiant's occupation, [is required]* to presume that the affiant is unemployed or has no occupation, ~~but that~~ [and]* the missing information ~~shall~~ [may]* not affect the validity of the affidavit.

This bill would require the county clerk to apply specified rebuttable presumptions upon receipt of an affidavit that does not include portions of the information for which space is provided [, including the affiant's occupation]*.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.*~~

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 96 (AB 2739) Papan. Election. county sheriff.

Existing law provides that if a candidate whose name appears on the ballot at any election dies after 12:01 a.m. of the 59th day before the election, the votes cast for that candidate shall be counted and if the deceased candidate receives a majority of the votes cast, he or she shall be considered elected, the office shall be vacant at the beginning of the term for which he or she was elected, and the vacancy shall be filled in the same manner as if the candidate died subsequent to taking office for that term.

This bill would provide that notwithstanding any other, or specified, provisions of law, if an incumbent who is a candidate for sheriff at an election, as specified, dies after 12:01 a.m. of the 59th day before the election at which only one other candidate has qualified to have his or her name placed on the ballot, excluding write-in candidates, that election shall not be held and no votes cast for that office shall be counted.

This bill would impose a state-mandated local program by requiring that a special election for the office of sheriff be held on the 10th Tuesday, preceding the statewide general election. If no candidate receives a majority of the votes at the special election,

the two candidates who receive the highest number of votes shall be the only candidates at an ensuing runoff election to be consolidated with the statewide general election.

This bill would remain in effect only until January 1, 1987, and as of that date is repealed.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 97 (AB 1689) Duffy. Compulsory education: pupils with temporary disability: individualized instruction

(1) Existing law generally requires each person subject to compulsory education to attend public full-time day school or continuation school located in the school district in which either the parent or guardian of the pupil resides.

Notwithstanding that requirement, this bill would provide that a pupil with a temporary disability, as defined, who is in a hospital, excluding a state hospital, that is located outside the school district in which the pupil's parent or guardian resides shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located.

(2) This bill would require the school district in which the pupil with a temporary disability is deemed to reside pursuant to item (1) to provide the pupil with individualized instruction, as specified. The bill would create an exception for those pupils receiving individual instruction under a program maintained for that purpose prior to January 1, 1986, by the district in which the pupil is enrolled in regular day classes or an alternative education program, and would authorize any district that maintained such a program prior to January 1, 1986, to continue the program as it existed prior to that date.

(3) This bill would specify that it shall be the primary responsibility of the parent or guardian of a pupil with a temporary disability to notify the school district in which the pupil is deemed to reside pursuant to item (1) of the pupil's presence in a qualifying hospital.

(4) Upon receipt of notification pursuant to item (3), this bill would impose various administrative and notification duties upon the school district, which would impose state-mandated costs upon school districts.

(5) Existing law requires the governing board of each school district to notify the parent or guardian of its minor pupils regarding specified rights of the parent or guardian and the availability of a certain program, as specified.

This bill would require that notification to also advise the parent or guardian of his or her rights or responsibilities under this bill, and of the availability of individualized instruction prescribed by this bill.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 98 (AB 3564) Frazee. Real estate: subdivisions.

Existing law defines the term "subdivision" for purposes of provisions relating to subdivided lands to mean, among other things, the division of real property into 5 or more lots of parcels, and the division of land, improved or unimproved, of any size, in which, for the purpose of sale, leasing, or financing, whether immediate or future, 5 or more undivided interests are created or proposed to be created. Certain types of undi-

vided interests in land are exempt from that definition, including, among others, undivided interests to be sold or leased which are in real property improved with structures, as specified, if the current assessed value of the land does not exceed the current assessed value of the structures thereon.

This bill would delete that exemption.

The bill would also delete an obsolete reference to a permit issued under the Real Estate Syndicate Act.

Ch. 99 (SB 1628) Craven. Transportation: Los Angeles-San Diego State Rail Corridor Study Group.

Existing law requires the Los Angeles-San Diego State Rail Corridor Study Group to study and make recommendations concerning specified matters concerning the Los Angeles-San Diego transportation corridor and to report thereon to the Legislature on or before January 1, 1987.

This bill would extend the date for the required report to on or before June 30, 1987.

Ch. 100 (SB 1897) Craven. California Environmental License Plate Fund. appropriation: County of San Diego

Under existing law, money in the California Environmental License Plate Fund may be expended for the purposes of the California Environmental Protection Program. All proposed appropriations for the program for each fiscal year are required to be summarized in a section in the Governor's Budget.

This bill would appropriate \$800,000 from the fund to the State Coastal Conservancy for allocation to the County of San Diego for acquisition of the park property known as Holmwood Canyon.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 101 (AB 3446) Bane. Horseracing: racing week

Existing law requires each racing week to have a minimum of 5 racing days.

This bill would, until January 1, 1989, authorize the California Horse Racing Board to allocate racing weeks of 4 or more days to an association conducting mixed-breed meetings at the California Exposition and State Fair (Cal Expo) or at a district agricultural association in the northern zone, harness racing at Cal Expo, or quarter horse racing at Cal Expo.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 102 (AB 2789) Tucker. Authorized emergency vehicles.

Existing law authorizes the Commissioner of the California Highway Patrol to designate certain types of vehicles used in law enforcement, firefighting, and emergency medical care as "authorized emergency vehicles." These vehicles may utilize special lighting, use sirens, and are exempt from certain traffic laws. The commissioner may issue authorized emergency vehicle permits for vehicles other than privately owned ambulances, used by privately owned ambulance operators exclusively to transport medical supplies, lifesaving equipment, and personnel to the scene of an emergency.

This bill would recast the provisions stating that authority.

Ch. 103 (SB 2564) Alquist. State employer-employee relations

Existing law contains the State Employer-Employee Relations Act which governs employer-employee relations between the state employer and state civil service employees.

This bill would change the name of the State Employer-Employee Relations Act to the Ralph C. Dills Act.

Ch. 104 (SB 1430) Rosenthal. Public utilities electrical corporations certificate of public convenience and necessity.

Under existing law, a public utility, including an electrical corporation, may not begin construction of any line, plant, or system, or of any extension thereof, without having first obtained from the Public Utilities Commission a certificate of public convenience and necessity.

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This bill would specify additional information to be submitted by an electrical corporation in applying for certification for the new construction of an electrical transmission line to the northwestern United States

Ch. 105 (AB 2772) Rogers. Separation of grade districts. commission: compensation

Under existing law, each member of a separation of grade district commission is required to receive \$10 for each meeting attended.

This bill would instead authorize a commission to pay each commissioner an amount not to exceed \$100 for each meeting attended.

Ch. 106 (AB 2797) Rogers Lost Hills Sanitary District.

Under existing law, sanitary districts formed under the Sanitary District Act of 1923 are authorized, among other things, to acquire and operate water reclamation and distribution systems, subject to the consent of any other local agency which provides water service to any territory in the district.

This bill would authorize the Lost Hills Sanitary District, for the purpose of furnishing water in the district for any present or future beneficial use, to exercise any of the powers of a county water district under the County Water District Law. The bill would make legislative findings and declarations in this connection.

The bill would take effect immediately as an urgency statute

Ch. 107 (AB 2944) Klehs County school attendance review boards

Existing law authorizes a county school attendance board to be established in each county, as specified, to meet the special needs of pupils with school attendance problems or school behavior problems. In any county in which there is no county school attendance review board, a school district governing board may elect to establish a local school attendance board with the same authority as a county school attendance review board. Existing law requires county school attendance review boards and local school attendance review boards to include, among others, parents and representatives of school districts, the county probation department, the county welfare department, and the county superintendent of schools.

This bill, in addition, would require county school attendance boards and local school attendance boards to include representatives of child welfare and attendance personnel.

Ch. 108 (AB 3135) Cortese Counties franchises

(1) Existing law authorizes any county board of supervisors to grant franchises along and over the public roads and highways for all lawful purposes upon terms, conditions, and restrictions, as specified

This bill would authorize the board to deposit funds that it receives from its grant of a franchise to use the public roads in the general fund of the county.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 109 (AB 2766) Lancaster Motor vehicles: reregistration.

Existing law requires the submission of certificates issued by an official lamp and brake adjusting station licensed by the Department of Consumer Affairs when a rebuilt vehicle is reregistered.

This bill would permit fleet owners of certain motor trucks and truck tractors to submit an official lamp and brake certification for their rebuilt vehicles if they are a fleet owner operating a licensed inspection and maintenance station

Ch. 110 (AB 2951) Jones. State Air Resources Board. injunctions

Under existing law, the State Air Resources Board adopts and enforces emissions standards for new motor vehicles and new motor vehicle engines, and may impose civil penalties for any violation of the laws relating to motor vehicle pollution control subject to the jurisdiction of the state board or any rule or regulation of the state board.

This bill would, in addition, permit the state board to bring a civil action for an injunction for a violation of any of these laws or rules or regulations

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Ch. 111 (AB 2860) O'Connell Schools: pupils: expulsion and suspension

Existing law provides for the suspension or recommendation for expulsion from school of pupils who have committed specified acts relating to controlled substances or drug paraphernalia.

This bill would reference specific definitions of controlled substances and drug paraphernalia for the purpose of these provisions.

Ch. 112 (AB 2785) Condit. School absences

Under existing law, children between the ages of 6 and 16 years are subject to compulsory full-time education unless exempted or excused.

This bill would authorize a pupil to be excused from school to attend religious retreats, not to exceed 4 hours per semester.

Ch. 113 (AB 2293) Elder. Property taxation: exemptions: claims.

Under the existing property tax laws, in order to be eligible for the "welfare exemption" an organization, nonprofit corporation, or volunteer fire department is required to qualify as an exempt organization under specified provisions of the Bank and Corporation Tax Law or the Internal Revenue Code.

This bill would provide that for purposes of those laws an organization, nonprofit corporation, or volunteer fire department shall not be deemed to be qualified as an exempt organization unless the organization files with the assessor duplicate copies of a valid, unrevoked letter or ruling from either the Franchise Tax Board, or in the alternative, the Internal Revenue Service, which states that the organization qualifies as an exempt organization under the appropriate provisions of the Bank and Corporation Tax Law or the Internal Revenue Code.

Ch. 114 (AB 2275) Elder. Unemployment. benefits schedule.

Existing law provides a schedule of benefits for claims filed after January 1, 1982, and prior to January 1, 1983, and provides another schedule for claims filed on or after January 1, 1983.

This bill would delete the schedule for claims filed after January 1, 1982, and prior to January 1, 1983.

Ch. 115 (AB 2208) Elder. Judges' Retirement System

The existing Judges' Retirement Law (JRL) confers administrative control over the Judges' Retirement System upon the Board of Administration of the Public Employees' Retirement System, imposes various duties upon the Controller, and provides for various benefits.

This bill would change certain references to the Controller to references to the Judges' Retirement System and would make various other related, corrective, technical, clarifying, and updating changes.

Ch. 116 (AB 2070) Margolin. Asbestos abatement and control.

Existing law does not have a program to analyze the magnitude of the asbestos problem in public buildings.

This bill would establish the Asbestos Assessment Task Force to do an analysis of this problem, and would require the State Department of Health Services to report to the Legislature on specified recommendations and inspections by the task force.

The bill would appropriate \$200,000 to the department to fund the task force.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 117 (SB 1515) Doolittle School district board members. compensation.

Existing law provides that a member of the governing board in a school district that had an average daily attendance of 70 or less in the preceding fiscal year may receive a reasonable compensation for necessary work rendered in repairing the schoolhouse, fences, and other school district property, or in furnishing wood and necessary supplies.

This bill would also authorize compensation for a board member in a school district described above for services provided in a classified position when the collective bargaining agent for classified employees and the governing board agree that no other

qualified person is available.

This bill would take effect immediately as an urgency statute.

Ch. 118 (SB 1995) B. Greene Classified employees' layoff

Existing law requires the governing board of each school district to establish the classified service for purposes of the employment of persons for positions not requiring certification qualifications. Existing law specifies that classified employees shall be subject to layoff for lack of work or lack of funds, and requires that the order of layoff of classified employees within the class shall be determined by length of service.

Existing law does not preclude the granting of length of service credit for unpaid illness leave, among other types of leave.

This bill would provide additionally that it would not preclude the granting of length of service credit for unpaid maternity leave

Ch. 119 (SB 274) Watson. In-Home Supportive Services

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services in order to permit them to avoid institutionalization.

Existing law provides that a county may reduce services below required levels under specified circumstances and pursuant to a plan approved by the State Department of Social Services, with the department having the authority to approve the plan or require modifications of the plan.

This bill would require approval or modifications to be made by the State Department of Social Services within a reasonable period of time

Existing law requires counties to annually report specified types of information to the department concerning the IHSS program, including an estimate of the impact on the IHSS program made by referrals from various programs

This bill would provide that this estimate shall be based upon referrals made by these programs during the preceding fiscal year. In addition, the bill would provide that one of the programs included in this estimate would be referrals to the IHSS program from adult abuse items.

The bill would permit the State Department of Social Services to implement its provisions as emergency regulations.

Since the bill contains changes to reporting requirements under the IHSS program, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional statutory provisions

This bill would appropriate \$15,400,000 from the General Fund to the State Department of Social Services for specified in-home supportive services, in augmentation of the 1985 Budget Act.

This bill would take effect immediately as an urgency statute.

Ch. 120 (SB 1292) McCorquodale Medical facility.

Existing law provides for an institution under the jurisdiction of the Department of Corrections known as the medical facility. The primary purpose of the medical facility is the receiving, segregation, confinement, treatment, and care of specified persons who are mentally ill or defective, epileptic, addicted to controlled substances, physically or mentally abnormal, or suffering from a chronic disorder or condition

This bill would revise the above provision by providing that the persons in a medical facility be mentally disordered, developmentally disabled, addicted to controlled substances, or suffering from any other chronic disease or condition.

Ch. 121 (SB 1497) Morgan State property.

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Under existing law, the Director of General Services, with the consent of the State Department of Developmental Services, is authorized to lease for a period not to exceed 50 years from 1974 certain real property not exceeding 45.3 acres located within the grounds of the Agnews State Hospital to a nonprofit corporation to conduct an educational and work program for mentally retarded and other handicapped persons.

This bill would increase the authorization to lease to a period not to exceed 79 years from 1974, for up to 27 of the 45.3 acres, if used for the purpose of construction of a business development park and up to 5 of the remaining acres for roadways and offsite improvements needed for the business development park. This authorization would expire on July 1, 1988, if construction of the business development park has not been substantially commenced, except that a one-year extension may be granted by the Department of General Services.

The bill would also require that in addition to rent paid by the nonprofit corporation leasing the property referred to above, the nonprofit corporation shall pay to the state 50% of gross rental income resulting from any subleases through June 30, 2024, and 75% of gross rental income from subleases from July 1, 2024, through June 30, 2053. These funds shall be deposited in a special account to be known as the Developmental Disabilities Services Account, in the General Fund, which would be available for appropriation by the Legislature for the benefit of persons with developmental disabilities. The State Department of Developmental Services would be required to report annually to the fiscal committees of the Legislature on the amount of funds in the Developmental Disabilities Services Account and the department's priorities for expenditure of those funds.

This bill would take effect immediately as an urgency statute.

Ch. 122 (SB 1539) Nielsen. Parks and recreation: Sonoma County regional parks: local assistance grant relief: appropriation

(1) Under the Robert-Z'berg-Harris Urban Open-Space and Recreation Program Act, a local assistance grant was made to the County of Sonoma for the acquisition of real property for Maxwell Farms Regional Park. The act requires that property acquired with a grant be used only for the purposes for which the grant was requested, except as permitted by an act of the Legislature.

This bill would authorize Sonoma County to convert one acre of the park for road right-of-way purposes, subject to the condition that the county transfers to the park other county-owned property as an addition to the park.

(2) The Budget Act of 1985 appropriated \$2,000,000 from the Special Account for Capital Outlay in the General Fund to the Department of Parks and Recreation for allocation to the East Bay Regional Park District for a specified purpose.

This bill would reappropriate these moneys to the department for allocation for park and recreation purposes to the district and the East Bay Municipal Utility District pursuant to an agreement between the 2 districts which would be subject to approval by the department.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 123 (SB 1578) Royce. Mobilehome Parks Act.

An existing provision of law, which is scheduled to be repealed on January 1, 1988, sets forth the procedures under which cities, counties, and cities and counties may assume specified supervisory duties under the Mobilehome Parks Act from the Department of Housing and Community Development and sets forth certain powers under the act which those entities of local government may exercise. A second provision of law, which contains the same section number and is scheduled to become operative on January 1, 1988, contains similar, but not identical language.

The existing provision authorizes local governmental entities to adopt rules and regulations prescribing park perimeter walls or enclosures on public street frontage. The provision which is scheduled to become operative January 1, 1988, would, instead, authorize local governmental entities to adopt rules and regulations prescribing walls or enclosures. The existing provision also prohibits those entities from requiring that the average density in a new mobilehome park be less than other specified densities and

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prohibits local governmental entities from requiring mobilehome parks to provide club-houses and limiting their requirements for other amenities. The provision which is to become operative on January 1, 1988, does not contain these prohibitions.

This bill would delete the termination date on the presently effective provision, which would allow it to continue in existence permanently, and would repeal the section scheduled to become operative on January 1, 1988.

Ch. 124 (SB 1597) Craven Emergency motorist aid system.

Under existing law, a service authority for freeway emergencies may be established in any county, as specified, and may impose a fee, not to exceed \$1 a year on vehicles registered in the county, to be used for the implementation, maintenance, and operation of an emergency motorist aid system, including, but not limited to, emergency call boxes and emergency mechanical service patrols.

This bill would delete the specific reference to emergency mechanical service patrols, and would describe the system as one for, rather than one which includes, but is not limited to, emergency call boxes

Ch. 125 (SB 1627) Rosenthal Energy assistance.

Existing law provides for state receipt and administration of the federal Low-Income Home Energy Assistance Program Block Grant.

This bill would make various technical, nonsubstantive changes regarding the administration of this grant.

Existing law appropriates \$900,000 to the California Energy Extension Service for a loan program to assist low-income fishing fleet operators to conserve fuel.

This bill would correct an obsolete reference in the provision making the appropriation, from the Office of Appropriate Technology to the Office of Planning and Research.

Ch. 126 (SB 1632) Ayala Joint exercise of powers: hazardous wastes.

Existing law authorizes 2 or more public agencies to enter into an agreement providing for the joint exercise of any power common to the contracting parties if the public agencies are so authorized by their legislative or other governing bodies

This bill would expressly provide that 2 or more public agencies which have the authority to identify, plan for, monitor, control, regulate, dispose of, or abate liquid, toxic, or hazardous wastes or hazardous materials may enter into such an agreement. The bill would state that it is declaratory of existing law.

Ch. 127 (SB 1672) B. Greene. Job training

Existing law requires that a service delivery area plan be prepared in accordance with an agreement between the local private industry council and the chief elected officials in the service delivery area pursuant to the requirements of the federal Job Training Partnership Act. A public hearing is required on the proposed plan by the private industry council, with at least 30 days' advance public notice prior to submission of the plan to the chief elected officials.

This bill would require that there be at least 10 days, rather than 30 days, advance public notice prior to submission of the plan

Existing law provides for preparation, by private industry councils, of an employment and training plan for displaced workers, including a program for displaced worker assistance by the use of matching federal funds under the federal Job Training Partnership Act. The existing law designates various sources for state matching funds for this purpose, including funds to the extent appropriated for demonstration project training or retraining benefits under designated provisions

This bill would make a technical change in these provisions.

Ch. 128 (SB 2263) Nielsen. Parklands transfer.

Under existing law, land formerly comprising Bidwell State Park, which had been originally received by the state under an indenture, was granted by the state to the County of Butte, subject to conditions, restrictions, and limitations of the indenture and the conditions that the land be improved by the county and maintained as a public park

and that the county not transfer the land or any part thereof.

This bill would authorize the County of Butte to transfer to the City of Chico all but a specified portion of those lands situated within the sphere of influence of the city, and would make that transfer subject to the same conditions, restrictions, and limitations imposed upon the county, except that the city would not be required to improve the park and would be authorized to apply for local assistance grants

Ch. 129 (AB 1793) Johnston Child Health and Disability Prevention Program.

Existing law provides for the Child Health and Disability Prevention Program, under which the state provides reimbursement to counties for the cost of operation of community child health and disability prevention programs.

Existing provisions in the Budget Act of 1985 require that funds appropriated for the processing of claims for state reimbursement under the Child Health and Disability Prevention Program be used for state positions, rather than by a private entity contracting with the state for the processing of these claims

This bill would repeal these provisions of the Budget Act and instead would provide that the State Department of Health Services may contract with a private entity for processing of claims for state reimbursement under the Child Health and Disability Prevention Program if specified conditions are met.

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 130 (AB 2639) W Brown Seatbelts.

(1) Under existing law, the operator and every passenger over 4 years of age is required to be restrained by a safety belt when a private passenger motor vehicle, as defined, is operated on a highway. Specified exceptions are made from that requirement for passengers in taxicabs, persons with specified physical disabilities or medical conditions, and persons delivering newspapers and mail.

This bill would make those provisions applicable, instead, to persons 4 years of age or over

The bill would also provide limitations on the passengers subject to these requirements in limousines for hire and in specified authorized emergency vehicles

(2) Under existing law, no private passenger motor vehicle, as defined, which is manufactured after September 1, 1987, may be registered in this state unless it contains manual safety belts which meet specified federal automatic passenger restraint requirements, unless the United States Secretary of Transportation has promulgated safety standards for manual safety belt systems by September 1, 1987. The secretary had promulgated those safety standards prior to the enactment of the requirement.

This bill would change the date for the adoption of standards by the secretary from September 1, 1987, to September 1, 1989

(3) The bill would take effect immediately as an urgency statute.

Ch. 131 (AB 2816) Costa. Parking winter recreation

Existing law prohibits any person from parking in designated parking areas from November 1 to May 30 unless the vehicle has a SNO-PARK permit issued by the Department of Parks and Recreation and makes a violation an infraction punishable by a \$75 fine, but, until May 30, 1987, requires a court to dismiss a violation if the person cited presents proof of issue of a SNO-PARK permit on or before the date the person promised to appear

This bill would change the date that a court would be required to dismiss a SNO-PARK parking violation upon proof of issuance of a permit to May 30, 1986, or the date of enactment of this bill, whichever is later.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 132 (AB 2945) Leonard. Big Bear City Community Services District electric distribution system.

Existing law authorizes the formation of community services districts and prescribes their powers and functions. No provision of existing law specifically authorizes a district to participate in the acquisition, operation, and maintenance of an electric distribution

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system with other agencies of government

This bill would authorize the Big Bear City Community Services District to enter into a joint exercise of powers agreement with the City of Big Bear Lake or the County of San Bernardino to acquire, operate, and maintain the electric distribution system presently serving the district or for construction and replacement of, or for additions or improvements to, this system, and would prescribe related matters.

Ch. 133 (AB 2962) Hannigan. The State Board of Cosmetology.

Existing law provides that a person appointed as a member of the State Board of Cosmetology shall, among other things, and with the exception of a public member, be a registered cosmetologist and be actually engaged in conducting a cosmetological establishment or actually engaged in the practice of cosmetology or electrology.

This bill would provide that a member may be registered in any of the branches of cosmetology and may be actually engaged in the practice of any of the branches of cosmetology.

Ch. 134 (AB 3055) Hannigan. Redevelopment.

The existing definition of the term "financial burden or detriment" contained in the Community Redevelopment Law will be repealed effective January 1, 1987.

This bill would, instead, extend the effective date of that definition until January 1, 1989, at which time it would be repealed.

Ch. 135 (AB 3752) Cortese. Bay Area Air Quality Management District: board compensation.

Existing law authorizes the Board of Directors of the Bay Area Air Quality Management District to provide, by ordinance, compensation for board members not to exceed \$100 per day for attending meetings and not to exceed \$3,600 per year. The members also receive actual and necessary expenses incurred in the performance of their duties.

This bill would increase to \$6,000 the total annual compensation which the board may authorize its members to receive.

Ch. 136 (AB 3404) Eaves. School facilities: dedication of land and fees.

Existing law specifies that for one year after the receipt of an apportionment of funds under specific laws relating to the lease-purchase of school facilities a city or county may not levy any fee or require the dedication of any land within the attendance area of the school district for which the apportionment was received. Existing law provides, however, that a determination of overcrowding may be made any time after receipt of the apportionment if a finding is made that, among other things, during the period of construction additional overcrowding would occur from continued development.

This bill would provide that a finding may also be made that the additional overcrowding would occur after construction has been completed

Ch. 137 (AB 4319) Ferguson. Contractors: Contractors' State License Board: Contractors' License Fund.

Existing law provides for the licensure and regulation of contractors under the Contractors' State License Law, which is enforced and administered by the Contractors' State License Board. Existing law also provides that the fees and civil penalties received under the law shall be deposited in the Contractors' License Fund, which is appropriated for the purposes of the Contractors' State License Law.

This bill would state that it is the intent of the Legislature that the board shall use moneys appropriated from the fund to improve its administrative and investigative oversight activities and capacity

Ch. 138 (AB 1919) Elder. Charitable contributions: law enforcement personnel.

Existing law imposes disclosure requirements on solicitations for charitable purposes, including, among other things, the disclosure of the number of members in the organization and the number of members working or living within the county where the solicitation is being made, if the organization making the solicitation represents any nongovernmental organization by the use of any name, including the term "officer,"

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"peace officer," "police," "law enforcement," "reserve officer," "deputy," or "deputy sheriff," which implies that the organization is composed of law enforcement personnel.

This bill would add to the list of names referred to in the provision "California Highway Patrol" and "Highway Patrol."

Ch. 139 (AB 2378) Hauser. Public utilities: plant out of service.

Under existing law, rates for the services and commodities furnished by public utilities, including electrical, gas, heat, and water corporations, are established by the Public Utilities Commission, taking into consideration the value of the corporation's plant and the expenses of operating that plant.

This bill would authorize, whenever any portion of an electrical, gas, heat, or water generation or production facility, as specified, which, having been placed in service, remains out of service for 9 consecutive months or more, the commission, in establishing rates, to eliminate consideration of the value of that facility and any expenses related to it and, after doing so, would require the commission to reduce rates accordingly. The bill would direct the commission to treat the out-of-service facility, for accounting purposes, similar to the treatment given the allowance for funds used during construction. The bill would authorize the corporation to apply to the commission for inclusion of the value of that facility and operating expenses related to it when the facility is returned to useful service.

The bill would require every such corporation to periodically, as specified, report to the commission on the status of any facility which is out of service and to immediately notify the commission of any facility which has been out of service for 9 consecutive months. The bill would require the commission, within 45 days of that notification, to institute an investigation to determine whether the corporation's rates should be reduced and made subject to refund to reflect that out-of-service facility.

The bill would direct the commission, upon being informed that the out-of-service facility has been restored to service and has achieved at least 100 hours of continuous operation, to again include that facility within its consideration for purposes of establishing rates, and to adjust rates accordingly, without a hearing, except that a hearing would be required before any additional plant value could be considered for purposes of establishing rates.

Ch. 140 (AB 2941) Lancaster. School buildings: joint use.

Existing law, which is operative only until December 31, 1986, authorizes school districts to make vacant classrooms or other space in operating schools available for rent or lease to specified groups and entities, including during normal school hours. Existing law specifies the terms of these leases, the amount of classroom space that may be leased, and the conditions for the leases.

This bill would delete the December 31, 1986, repeal date for this program.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 141 (SB 1286) McCorquodale. Libel: criminal.

Existing law makes libel, as defined, a crime, prescribes the punishment therefor, creates a presumption of malice where no justifiable motive is shown, and provides that truth is a defense so long as it was published with good motives and for justifiable ends. Existing law also contains various provisions regarding the publication of criminal libel and privileges from prosecution therefor, and makes a threat to publish a libel a misdemeanor. The provisions creating a presumption of malice and limiting the defense of truth have been held to be unconstitutional as a denial of due process and an infringement on the right of free speech, respectively; and in their absence, the provisions defining and punishing libel were held to be unconstitutional for lack of sufficient guidelines in respect to malice and truth or falsity.

This bill would repeal all the above provisions relating to criminal libel.

Ch. 142 (SB 1544) Ayala. Dairy products.

(1) Under the Milk and Milk Products Act of 1947, until January 1, 1987, the term "sterilization" or "sterilized" may be used to describe milk and milk products processed

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under conditions equivalent to sterile processing and aseptically packaged in hermetically sealed containers for sale under refrigerated conditions

This bill would extend the termination date of these provisions to January 1, 1989.

(2) Existing law limits colored margarine sold at retail to packages or containers of one pound or less

This bill would repeal that provision

Ch. 143 (SB 1719) Ellis Family law

Existing law provides that no decree of dissolution may be granted upon the default of one of the parties or upon a statement or finding of fact made by a referee; a court must require proof of the grounds alleged, which may be taken before the court or may be by affidavit. If proof is by affidavit, the personal appearance of the affiant is not required, except as specified

This bill would also make this provision applicable to proceedings for legal separation.

Ch. 144 (SB 1910) Rosenthal. Guardians and conservators supplemental inventories

Under existing law, whenever property of a ward or conservatee is discovered, or is acquired by the ward or conservatee, after the original inventory, the guardian or conservator is required to file a supplemental inventory and appraisal for the property.

This bill would require the appraisal to be made as of the date of discovery or receipt of the property and would make technical, clarifying changes.

Ch. 145 (SB 2134) Vuich. Agriculture. standards: fruits, nuts, and vegetables.

Existing law authorizes the Director of Food and Agriculture to establish, by regulation, quality and maturity standards for fruits, nuts, and vegetables.

This bill would specify that any quality and maturity standards adopted by the director shall apply to the particular fruit, nut, or vegetable involved regardless of whether the item was produced in this state or outside of this state.

Ch. 146 (SB 1634) B. Greene. Vocational nurses.

Existing law does not authorize the Board of Vocational Nurse and Psychiatric Technician Examiners to issue an interim permit to applicants for a license as a vocational nurse.

This bill would provide for the issuance of an interim permit by the board to an applicant who has completed a board accredited or approved nursing program authorizing the applicant to practice vocational nursing pending the results of the 1st licensing examination. The bill would establish a fee for the issuance of the permit.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Vocational Nurse and Psychiatric Technician Examiners Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 147 (AB 2219) Elder Air pollutant emissions: hearings and stipulations.

Existing law generally prohibits the discharge of air contaminants beyond certain limits except as is otherwise specifically permitted, and authorizes a hearing board of an air pollution control district or air quality management district to issue an order for abatement, after a hearing, whenever the hearing board finds any person in violation of any law or order, rule, or regulation.

This bill would authorize a hearing board, in lieu of making a finding of violation of law or of an order, rule, or regulation, to accept a stipulation by the air pollution control officer and the person accused of the violation as a basis for issuing an abatement order. The bill would require the order for abatement to include a written explanation of the hearing board's action in this regard

Ch. 148 (AB 2619) Molina. Employment of private sector teachers

Existing law does not authorize the exchange and employment of regular credentialed

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school district employees and employees in private industry.

This bill would authorize the governing board of any school district or any county office of education to enter into an agreement with a private company for the exchange and full-time employment of certificated school district or county office of education employees and employees of the private company. This bill would also authorize the governing board of any school district or any county office of education to enter into an agreement with a private company for the part-time employment of an employee of the private company by the school district or county office of education if there is a shortage of available certificated school district or county office of education employees.

This bill would authorize the employment of a private sector employee in exchange for the employment of a certificated school district or county office of education employee, by the private sector employer during the same period that the private sector employee works as a teacher for the school district or county office of education. The bill would require the private sector exchange teacher to teach with the assistance and guidance of a teacher holding a valid, current credential. A school district's or county office of education's authority to employ a private sector exchange teacher would be conditioned upon the full-time employment of a school district exchange employee or county office of education exchange employee by the private sector employer and full-time employment of a private sector exchange teacher by the school district or county office of education. The private sector exchange teacher would be required to complete a specified fieldwork assignment prior to assuming classroom duties. This bill would not require that the exchanged employees assume each other's job.

This bill would also authorize a school district or county office of education to employ part-time private sector teachers in a subject area in which the governing board of the school district certifies as having an insufficient number of certificated school district or county office of education employees available to teach as specified.

This bill would remain in effect only until June 30, 1990.

Ch 149 (AB 2919) Grisham. Vehicles. headlamps

Under existing law, any vehicle may be equipped with not more than 4 headlamps, mounted at a height of not less than 16 inches or more than 80 inches at any place between the front of the vehicle and a line lying on a point 12 inches to the rear of the driver's seat, and wired as specified, when operated off the highway. When the vehicle is driven on the highway, the headlamps are required to be covered or hooded.

This bill would increase the number of headlamps to not more than 8 and would require the headlamps to be mounted at a height of not less than 16 inches from the ground, or more than 12 inches above the top of the passenger compartment, at any place between the front of the vehicle and a line on a point 40 inches to the rear of the driver's seat. When the vehicle is driven on the highway, the bill would require the hood or cover over the headlamps to be opaque.

Ch. 150 (AB 2972) Moore. Public school employment.

Existing law does not provide that the budget for the first year of the personnel commission of a school district may be determined by the governing board.

This bill would enact these provisions and also authorize the governing board to advance funds for the establishment of the work of the personnel commission.

Ch 151 (AB 2989) Frizzelle. Courts' penalty assessments.

Under existing law, any person who willfully violates his or her promise to appear in court for a traffic offense or any other matter, or who willfully fails to pay a lawfully imposed fine for a violation of the Vehicle Code, is guilty of a misdemeanor regardless of the disposition of the underlying charge or the full payment of the fine.

This bill would authorize a county board of supervisors to authorize, by resolution, the courts of the county to impose, in addition to any other fees authorized by law, an assessment of \$7 on any person convicted of a violation of a promise to appear for a driving offense or any other matter or for failure to pay a fine lawfully imposed by a court for a violation of the Vehicle Code, as specified.

The bill would require the court clerk to deposit all of the assessment amounts collect-

ed in the county treasury to be used exclusively for the development and operation of an automated county warrant system

Ch. 152 (AB 3442) Statham. Regional occupational programs

Existing law authorizes a regional occupational program that meets prescribed criteria to apply for apportionments as a necessary small regional occupational program. Existing law prescribes the formula and allocation schedule for those apportionments.

This bill would revise that formula and allocation schedule

Existing law reappropriated up to \$540,000 from funds included for regional occupational centers and program growth under a specified item of the 1985 Budget Act to Section A of the State School Fund commencing with the 1985-86 fiscal year

This bill would specify how these funds shall be used

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 153 (AB 4161) Killea. Consumer cooperative corporations.

Existing law, the Consumer Cooperative Corporation Law, comprehensively regulates the organization and operation of consumer cooperatives and other cooperatives which elect to incorporate under it.

This bill would specifically include, as a cooperative which may elect to incorporate under the Consumer Cooperative Corporation Law, cooperatives formed for the purpose of recycling or treating hazardous wastes. The bill would make legislative findings and declarations.

Ch 154 (AB 4344) Bane Subdivisions

The conversion of stock cooperatives has been subject to the Subdivision Map Act since January 1, 1979. However, the enactment which imposed that requirement specified that any sales made pursuant to a subdivision public report issued by the Department of Real Estate were not invalidated if the application for that report was made, and the appropriate fee was paid, prior to a specified date. That exemption was repealed on January 1, 1985.

This bill would expressly provide that all sales made [pursuant]* to a subdivision public report issued by the Department of Real Estate after January 1, 1980, and on or before June 30, 1984, are valid if the stock cooperative conversion and all sales thereunder were otherwise valid under the exemption that was repealed January 1, 1985.

Ch 155 (AB 2677) Moore. Highway carriers: insurance. study: assigned risk plan

(1) Under existing law, the regulation of highway carriers is accomplished by the Public Utilities Commission pursuant to the Public Utilities Act, the Highway Carriers' Act, and the Household Goods Carriers Act. Existing law imposes various requirements with respect to the procurement and maintenance of accident liability protection, including policies of insurance or other means of financial responsibility by highway carriers.

This bill would direct the commission to conduct a study, as specified, of insurance coverage required to be procured and maintained by intrastate for-hire carriers of property. The bill would direct the commission to make a preliminary report on specified matters to the Legislature by February 1, 1987, and to submit a report of its findings, conclusions, and recommendations to the Legislature by July 1, 1987.

The bill would appropriate up to \$500,000 to the commission from the Transportation Rate Fund for purposes of the study.

(2) Existing law requires the Insurance Commissioner to approve an assigned risk plan for the equitable apportionment among insurers of applicants for bodily injury and property damage insurance who cannot procure coverage through ordinary methods. Existing law does not require insurance carriers to offer liability and collision insurance to highway carriers operating as seasonal agricultural carriers.

This bill would require the assigned risk plan to include issuance of policies affording coverage for seasonal agricultural carriers.

The bill would repeal these provisions on January 1, 1987.

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(3) Existing law authorizes the Insurance Commissioner to issue an order requiring an insurer to comply with assigned risk plan requirements and to bring an action to collect a \$500 penalty for noncompliance with that order.

This bill would prohibit an insurer from downgrading the rating, or otherwise adversely affecting the insurability, of a seasonal agricultural carrier solely because of participation in the assigned risk plan or of any person contracting with a person so participating.

(4) Under existing law, no agricultural carrier may engage in transporting fruits, nuts, vegetables, logs, or any other unprocessed agricultural commodities in any motor vehicle without a permit issued by the commission. Existing law requires the commission to issue seasonal agricultural carrier permits for authority to transport these items seasonally.

This bill would, until January 1, 1987, require a highway carrier who holds a seasonal permit issued in 1986, to carry liability insurance in an amount of not less than \$300,000 per occurrence when operating exclusively as a subhauler performing transportation governed by requirements for livestock carriers and agricultural carriers. Since violation of this requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 156 (AB 4343) Chacon. Second units.

Existing law authorizes a city or county to permit, by ordinance, the creation of second units in single-family or multifamily residential zones under specified circumstances. Existing law also provides that a local agency may adopt an ordinance which totally precludes second units within those zones if the city or county makes certain findings.

If the city or county does not adopt either of those ordinances, existing law requires the city or county to either approve or disapprove an application for a conditional use permit for the creation of a second unit in accordance with specified criteria. Included within those criteria is a requirement that the lot contain an existing single-family detached dwelling, a requirement that the second unit be attached to the existing residence and located within the living area of the existing dwelling, and a requirement that any increase in floor area not exceed 10% of the existing living area.

This bill would change the criteria for the issuance of a use permit by deleting the requirement that the single-family dwelling on the lot be detached, and by requiring that the second unit be either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling, that any increase in the floor area of an attached second unit not exceed 15% of the existing living area, and that the total area of floor space for a detached second unit not exceed 640 square feet.

This bill would become operative April 1, 1987.

Ch. 157 (AB 2634) Kelley. Commemorative gold medallions.

Existing law requires the Department of General Services to cause to be designed, and if specified conditions are met to contract for the minting of, state medallions in 1 troy ounce size, 0.5 troy ounce size and 0.25 troy ounce size fine gold. The Department of General Services is required to charge royalties for the use of the Great Seal of the State of California in these medallions, with the amount of the royalty depending upon the size of the medallion.

This bill would, in addition, require the department to cause to be designed, and if the specified conditions referred to above are met, to contract for the minting of, a 0.1 troy ounce size fine gold state medallion. The royalty for the use of the Great Seal of the State of California for this medallion would be 50¢.

This bill would declare that it is to take effect immediately as an urgency statute.

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Ch 158 (AB 1842) Nolan. Economic development enterprise zones

(1) Existing law relating to the establishment of enterprise zones permits the establishment of nonprofit neighborhood enterprise association corporations, in accordance with prescribed criteria, for the purpose of providing technical and financial assistance to private sector investors within the enterprise zones. All property which is owned by the state or local government within the neighborhood area of such a corporation and which is not in current use or necessary for a public purpose of the state or local agency owning the property may be leased to the corporation at terms to be specified.

This bill would authorize this property to be leased to the corporation at a price below fair market value, provided that it serves a public purpose to lease at below fair market value.

(2) The Small Business Procurement and Contract Act provides for a small business preference in construction, the procurement of goods, or the delivery of services where responsibility and quality are equal. The act also requires the Department of General Services to develop regulations to implement these provisions. The preference requirements relating to the delivery of services will remain in effect only until July 1, 1986.

This bill would retain the preference provisions relating to delivery of services until July 1, 1988.

(3) Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law permit various exclusions, credits, and deductions in computing tax liability under these laws in connection with business activities and employment in program areas and enterprise zones established pursuant to the Employment and Economic Incentive Act and the Enterprise Zone Act, respectively. These credits include tax credits for both employers within an enterprise zone or program area, as well as qualified employees.

This bill would, for purposes of the tax credit claimable by qualified employees, modify the definition of a qualified employee.

Under existing law, one of the criteria which may be met in order for a business in a program area to meet the requirements necessary to qualify for an employer tax credit relates to the percentage of the employees who are residents of a high density unemployment area, as defined.

This bill would specify that the criteria relating to the percentage of employees who must reside in a high density unemployment area shall relate only to those persons employed by the business during the 12 months preceding the date that the business seeks certification from the Department of Commerce and the department certifies that it complies with the standards for qualification.

Under existing law, when a business is qualified to claim this employer tax credit, it may only claim this credit with respect to qualifying wages paid to employees who are residents of a high density unemployment area.

This bill would further specify that the credit would apply to persons who are employed with the business during the 90 days prior to the date that the business is certified by the Department of Commerce to have met the requirements for a qualified business.

Existing provisions of the Bank and Corporation Tax Law authorize a net operating loss deduction for a qualified taxpayer. A qualified taxpayer includes a qualified business as defined under the provisions relating to program areas and enterprise zones. With respect to such a qualifying business, however, existing provisions specify that in determining the amount of the net operating loss deduction, there shall be disregarded the net operating loss for any income year for which the business elects to qualify as a small business corporation under specified federal tax provisions.

This bill would eliminate the provision requiring the disregard of the net operating loss for any income year in which the business elects to file as a small business corporation under these federal provisions.

(4) This bill would make other technical nonsubstantive changes in provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law relating to program areas and enterprise zones.

The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 159 (AB 2686) M. Waters. Developmental disabilities

Until January 1, 1987, existing law prohibits an employee or member of the governing board of any entity, including a community care facility, from which a regional center for the developmentally disabled purchases client services, from being on the governing board or program policy committee of a regional center.

Until January 1, 1987, existing law requires the governing board of a regional center for the developmentally disabled to appoint an advisory committee comprised of a variety of persons representing the various categories of providers from which the regional center purchases services and to designate one of its members to serve as a member of the regional center board

Until January 1, 1987, existing law also prohibits a member of a regional center governing board or a regional center program policy committee, who is an employee or member of the governing board of a provider from which the regional center purchases client services, (1) from serving as an officer of the regional center board or program policy committee or (2) from voting on any fiscal matter affecting the purchase of services from any regional center provider or (3) from voting on any issue other than as described in (2) in which the member has a financial interest, as defined, and requires this member to report his or her financial interest to the regional center board or program policy committee.

This bill would extend the January 1, 1987, termination date to January 1, 1989, for these existing provisions of law

Ch. 160 (AB 2819) Calderon. Peace officers. transit districts reserve police officers.

Existing law establishes various categories of peace officers, and specifies their powers.

This bill would include reserve police officers of a transit district within one of the existing categories of peace officers. It would, however, authorize a reserve police officer of a transit district to carry firearms only if authorized by the officer's employing agency

Existing law, as to the categories of peace officer described above, provides that the authority of these peace officers extends to any place in the state under the same conditions as provided in existing law for sheriff's deputies and police, among others, as specified

This bill would limit the authority of transit district reserve police officers to perform their duties to situations currently applicable to specified security officers

Ch. 161 (AB 2853) Frizzelle. Juveniles

Existing law specifies that every person convicted of a violation of specified provisions of current law relating to escape or attempted escape from an institution or facility in which he is confined upon commitment to the California Youth Authority shall be discharged upon the expiration of a 2-year period of control, when the person reaches his 23rd birthday, or 6 months after his discharge from the commitment he was serving at the time of his escape, whichever occurs later, unless an order for further detention has been made pursuant to specified provisions of current law

This bill would repeal this provision

Ch. 162 (AB 3320) Wyman. Fictitious business name statements.

Existing law requires the county clerk of each county to maintain an index relating to fictitious business name statements. The law authorizes a clerk to delete specified information from the index 4 years after a fictitious business name statement has expired and to delete all reference to use of that name 4 years after the filing of a statement of abandonment of use of a fictitious name. The law authorizes a county clerk to destroy a statement of abandonment of a fictitious name 9 years after the statement is filed

This bill would provide that all references and other information may be deleted from the index 4 years after the fictitious name statement has expired

Ch. 163 (AB 3543) Lancaster. Financial institutions

Under existing law, a title insurance company with a trust department is subject to supervision and examination by the Superintendent of Banks and is required to pay the

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fee determined by the superintendent for banks and trust companies

This bill would expressly require the fee to be assessed and paid in accordance with provisions governing fees charged to banks and trust companies. The bill would also make technical, corrective changes in other provisions of the Financial Code.

Ch. 164 (AB 4280) O'Connell. Library records.

Under the California Public Records Act, library circulation records kept for the purpose of identifying the borrower of items available in libraries and library and museum materials are exempt from provisions requiring disclosure of state and local agency records to the public.

This bill would, in addition, provide that all registration and circulation records, as defined, of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed to any person, local agency, or state agency except for inspection by a person acting within the scope of his or her duties within the administration of the library, by a person authorized in writing by the individual to whom the records pertain, to inspect the records, or by order of the superior court.

Ch 165 (SB 937) Craven. Mobilehomes-Manufactured Housing Act of 1980.

(1) Under existing law, the Department of Housing and Community Development is generally under a duty to enforce the Mobilehomes-Manufactured Housing Act of 1980, subject to the paramount authority of the National Manufactured Housing Construction and Safety Standards Act of 1974 enacted by Congress.

This bill would permit the department to transfer enforcement of certain portions of the state law and the regulations adopted pursuant thereto by means of contracts with nongovernmental third-party entities. It would specify the criteria a third-party entity must satisfy and the department's duties in policing the contracts, including the issuing of citations and the levying of fines. The bill would also require the department to report to the federal government monthly on consumer complaints on third-party entities. An existing statute would make violation of these new provisions a misdemeanor, which is a state-mandated local program. The department would be required to make a report on or before a specified time to the Governor and the Legislature on third-party inspections.

(2) The bill would be repealed 3 calendar years subsequent to the initial approval date by the department of a third-party entity or January 1, 1990, whichever occurs first, unless a later enacted statute extends or repeals those dates

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 166 (SB 1311) Morgan. Developmental disabilities.

Existing law requires the State Department of Developmental Services to report to the Legislature annually regarding the local implementation, administration, and operation of programs for the diversion of mentally retarded defendants charged with misdemeanors.

This bill would delete that requirement

Existing law requires all departments administering programs providing services to the developmentally disabled to submit within a specified time period to the Joint Legislative Budget Committee and other entities a reconciliation of allocated funds with the appropriate budget item.

This bill would delete that requirement.

Ch 167 (SB 1600) Garamendi. Tahoe Regional Planning Agency: membership

Existing law contained in the bistate Tahoe Regional Planning Compact, among other things, prescribes the membership of the governing body of the Tahoe Regional Plan-

ning Agency, which is comprised of delegations representing the States of California and Nevada, respectively.

This bill would revise the composition of the Nevada delegation on the Tahoe Regional Planning Agency and include provisions for alternates for legislative appointees to the agency

Ch 168 (SB 348) Robbins. State park system: appropriation.

Under existing law, the Department of Parks and Recreation is authorized to receive and accept personal property for any purpose connected with the state park system.

This bill would require the department, after consultation with appropriate Native American groups, to receive and accept a donation of Indian artifacts found in the vicinity of the Los Encinos State Historic Park for the purpose of housing and displaying a representative sample of those artifacts at the park, as specified. Those artifacts not received and accepted may be donated, as specified.

The bill would appropriate \$195,000 from the General Fund to the department for Los Encinos State Historic Park, \$175,000 for restoration of the "Carnier House" and \$20,000 to provide parking

The bill would take effect immediately as an urgency statute

Ch 169 (AB 3133) Hannigan. Unified air pollution control district board members compensation and expenses

Under existing law, two or more contiguous counties may merge their county air pollution control districts into a unified district. Existing law permits a unified district board, upon adoption of a resolution, to provide compensation to board members for attendance at board meetings of not more than \$50 per day, not to exceed \$1,200 per year.

This bill would permit a unified district board to provide for compensation of its members for attendance at committee meetings and while engaged on official district business as well as for attendance at board meetings and would increase the maximum permissible compensation to \$100 per day, not to exceed \$3,600 per year.

Ch. 170 (AB 3293) Vasconcellos. Budget Act of 1985: augmentation. Emergency Telephone Number Account. State School Fund. contingencies or emergencies.¹

(1) The Budget Act of 1985 appropriated \$4,500,000 in equal amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or the Director of Finance.

This bill would appropriate \$360,057,429, as scheduled, in augmentation of those budget appropriations.

The bill would appropriate an additional \$764,000 from the General Fund for transfer by the State Controller to the Emergency Telephone Number Account in the General Fund on June 30, 1986, as specified.

The bill would authorize the Director of Finance to withhold authorization for the expenditure of funds so provided until preliminary estimates of potential deficiencies are verified.

(2) Under existing law, the Superintendent of Public Instruction is required to make various apportionments of funds to school districts in accordance with specified computations and subject to specified revenue limits.

This bill would require the superintendent to make specified computations. The amount determined in one of these computations would, upon approval of the Director of Finance, be appropriated from the General Fund to the superintendent for transfer to Section A of the State School Fund. This amount would be available for the purpose of funding K-12 district revenue limit apportionments.

The bill would require the superintendent to report to the Director of Finance the actual annual local revenues received by school districts for the 1985-86 fiscal year.

The bill would require the superintendent to report to the Director of Finance and the State Controller the amount, if any, by which annual local revenues received by school districts at the 1985-86 annual apportionment exceed the level of local revenues

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received by school districts at the 1985-86 second principal apportionment. This amount would be transferred by the State Controller from specified funds appropriated in the Budget Act of 1986 to the unappropriated balance of the General Fund.

(3) The Budget Act of 1985 appropriated \$191,744,500 from the General Fund for apportionments to school districts for regional occupation centers and programs.

This bill would require the State Controller to transfer \$3,500,000 of the funds appropriated for regional occupational centers and programs in the Budget Act of 1985 so that these funds would be available to fund any deficiency in K-12 district revenue limit apportionments for the 1985-86 fiscal year, as specified.

(4) The bill would declare that it is to take effect immediately as a statute providing an appropriation for the usual current expenses of the state.

Ch. 171 (AB 108) Peace. Schools, instruction, administration

Existing law authorizes a person, who has a credential, issued under the laws and regulations in effect before January 1, 1972, that authorizes instruction in grades 7 to 12, to be assigned with consent to teach grade 6 in a school composed of grades 6, 7, and 8.

This bill would provide additional authorization for instruction or administration in grade 5, as well as grade 6, in a school composed of grades 5, 6, 7, and 8 or grades 6, 7, and 8, as specified.

Existing law authorizes teaching credentials of four basic kinds, including a single subject instruction credential. Existing law permits the holder of a single subject teaching credential or a standard teaching credential to teach in an additional subject under specified circumstances.

This bill would extend the eligibility to teach in an additional subject, under specified circumstances, to the holder of a special secondary teaching credential, as defined.

Ch. 172 (AB 2071) Allen Schools residency requirements.

Existing law provides that a person subject to compulsory full-time education shall attend the school in which the residency of either the parent or guardian is located, as specified. Notwithstanding this requirement, a pupil shall be deemed to have complied with the residency requirements for school attendance, if specified circumstances exist. In addition, the governing board of any school district may admit for enrollment any pupil who lives in another school district, as specified, pursuant to an agreement with the governing board of that district.

This bill would require the governing boards of any 2 school districts that have been requested to enter into an agreement for interdistrict attendance to give consideration to the child care needs of the pupil, thus imposing a state-mandated local program.

This bill, in addition, would deem an elementary school pupil to have complied with the above residency requirements if the pupil's parent or legal guardian is employed within the boundaries of the school district. This bill would specify that nothing in these provisions requires the school district in which the pupil's parents or guardians are employed to admit these pupils to its schools, provided any refusal to admit is not based on discriminatory or other arbitrary considerations, as specified. This bill would authorize the school district in which the residency of the pupil's parents or guardians is established to prohibit the transfer of the pupil to another school district if it demonstrates that the transfer would negatively impact that district's court-ordered desegregation plan. This bill would authorize the school district to which the pupil is to be transferred to prohibit the transfer if the district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer. The bill would impose a state-mandated local program by requiring a district that prohibits a transfer pursuant to these provisions to communicate and record that action, as specified, and by increasing the number of pupils eligible to transfer to a school district other than the school district in which their parents or guardians reside. This bill would limit transfer of students out of any given district, as specified. The bill would require school districts to report specified information annually to the Superintendent of Public Instruction, thereby imposing a state-mandated local program. The bill would require the State Department of Education to summarize the school district

reports and report to the Legislature annually.

The above provisions enacted by the bill would be effective only until June 30, 1990.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 173 (AB 3103) Bane. Loans: borrower fraud.

Under existing law, with certain exceptions, a mutual or stock savings association, savings and loan association, or savings bank subject to the Savings Association Law, a federally chartered savings and loan association or savings bank, or a state or nationally chartered bank or its in-state subsidiary or affiliate that originates a loan secured by real property, and successors thereof in interest, may bring an action for damages and limited exemplary damages against the borrower for fraudulent conduct that induced the making of the borrower's loan.

This bill would extend the right to bring such an action to any of these entities that acquire or purchase, in whole or part, such a loan or an interest therein. The bill would also extend the provisions to include service corporations, as provided for in the Savings Association Law. The bill would also amend the California Credit Union Law to give the same rights to credit unions, their affiliates, service organizations, and successors in interest.

Ch. 174 (AB 3709) Peace. Mobilehomes

Existing law authorizes a homeowner in a mobilehome park to advertise the sale or exchange of his or her mobilehome, or the rental of the mobilehome if not otherwise prohibited by agreement with the management of the mobilehome park, by displaying a sign in the window of the mobilehome, as specified.

This bill would, in addition, authorize the posting of a sign on the side of the mobilehome facing the street

Ch. 175 (AB 3725) Johnson. Property taxation: changes of ownership

Existing law requires the assessor and the recorder to make available, without charge and upon request, preliminary change in ownership reports, in a specific form, which transferees of real property may complete and file concurrently with the recordation of documents evidencing a change in ownership.

Existing law permits the recorder, with certain exceptions, to charge an additional specified recording fee if a document evidencing a change of ownership is presented for recordation without the concurrent filing of a preliminary change of ownership report.

This bill would provide that the filing of a preliminary change of ownership report or the payment of an additional recording fee shall not be required of any intermediate transferee of property, as defined.

Ch. 176 (SB 688) Robbins. Damages: rate of interest on contracts.

Existing law provides that if a contract entered into after January 1, 1986, does not specify a legal rate of interest chargeable after a breach, the obligation shall bear interest at 10% per annum.

This bill would instead provide that if a contract entered into after January 1, 1986, does not stipulate a legal rate of interest the obligation shall bear interest at a rate of 10% per annum after a breach. It would exempt from that provision a note secured by a deed of trust on real property.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 177 (SB 1056) Lockyer. Crime

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Existing law establishes diversion programs for the treatment of defendants accused of specified crimes involving narcotics or drug abuse and for the treatment of defendants accused of crimes involving domestic violence. Existing law authorizes the imposition of a fee up to \$100, in the case of a defendant accused of a felony, to cover the cost of any criminal laboratory analysis and the cost of processing a request or application for diversion pursuant to those provisions.

This bill would increase the authorized fee from \$100 to \$150 only in the case of defendants accused of specified crimes involving narcotics or drug abuse and who participate in diversion programs

Ch 178 (SB 1377) Lockyer Vehicles American National Red Cross lighting

Existing law generally prohibits flashing lights on vehicles, unless otherwise expressly authorized

Existing law authorizes certain vehicles when engaged in specified activities to display flashing amber warning lights to the front, sides, or rear of the vehicles.

This bill would authorize only an emergency response vehicle or disaster service vehicle owned or leased and operated by the American National Red Cross, or any chapter or branch thereof, and equipped and clearly marked as a Red Cross emergency or disaster service vehicle, to display flashing amber warning lights to the front, sides, or rear of the vehicle while at the scene of an emergency or disaster operation

Ch. 179 (SB 1623) Watson. Mental health

Existing law prescribes the membership for community mental health service advisory boards. It prohibits members of governing boards of Short-Doyle contracting agencies from being members of a community mental health advisory board.

This bill would until January 1, 1990, allow not more than 2 nonpaid members of governing boards of private or public Short-Doyle contracting agencies to be appointed as members of a community mental health advisory board. This bill would, however, prohibit members of the advisory board from voting on any issue in which the member has a financial interest, as defined

Ch. 180 (SB 1598) Deddeh Public swimming pools lifeguards common interest developments

Under existing law, relating to the sanitation and safety of public swimming pools, as defined, the State Department of Health Services, among other things, has the authority to adopt and enforce rules and regulations, as specified. Existing law defines "lifeguard services" as the attendance at a public swimming pool during periods of use, of one or more lifeguards who possess the minimum qualifications, as specified, and who have no duties to perform other than to supervise the safety of participants in water-contact activities. Existing law requires that lifeguard service be provided for any public swimming pool, as defined, which is of wholly artificial construction and for the use of which a direct fee is charged. Existing law also requires that for all other swimming pools, lifeguard service shall be provided or signs be erected clearly indicating that this service is not provided.

This bill would provide that the supervision of the safety of participants in water-contact activities shall include lifeguards who are providing swimming lessons, coaching or overseeing water-contact sports, or providing water safety instructions to participants under their supervision and no other persons are using the facilities unless under separate lifeguard services.

This bill would define the term "direct fee" for purposes of these provisions.

This bill would provide that in certain common interest developments, as defined, the operator of a public swimming pool is required to keep certain information, as prescribed in a specified regulation adopted by the department but at less frequent intervals. It would provide that any rule or regulation of the department in conflict with the preceding requirement is invalid on or after January 1, 1987.

Ch 181 (SB 1602) Beverly Vehicles. illegal parking immobilization.

(1) Under existing law, any peace officer as defined, or any regularly employed and

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salaried employee engaged in directing traffic or enforcing traffic laws and regulations, of a city or county in which a vehicle is located may remove a vehicle from a highway located within the territorial limits in which the officer or employee may act, under enumerated circumstances

This bill would authorize any vehicle found on a highway to be immobilized with a device designed and manufactured for that purpose, in addition or as an alternative to removing the vehicle under those enumerated circumstances, if the vehicle has been known to have been issued 5 or more parking citations over a period of 5 or more days, accompanied by a warning that repeated violations would result in impounding or immobilizing of the vehicle. The vehicle may be immobilized until the owner or person in control responds, as specified.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 182 (SB 1849) Beverly. Nuisances. controlled substances.

Existing law provides that places used for unlawful purposes relating to controlled substances are nuisances which shall be enjoined, abated, and prevented, and permits the district attorney or a citizen resident in the county to maintain an action to abate and prevent the nuisance and perpetually to enjoin its conduct

This bill would grant the same authority to a city attorney or city prosecutor to abate a nuisance in a city.

Ch. 183 (AB 2306) Wright. Revised Uniform Reciprocal Enforcement of Support Act of 1968.

Existing law, in limited, expressly authorized situations, permits a trial court to award attorney's fees.

This bill would provide that, notwithstanding any other provision of law, no party to an action, nor assignee of a party to an action brought under the Revised Uniform Reciprocal Enforcement of Support Act of 1968 would be entitled to attorney's fees from the opposing party for prosecuting or defending the action, except as specified

Ch. 184 (SB 1272) Lockyer Pharmacists drug prices.

Existing law provides that pharmacists shall, upon request however communicated, give the current retail price for any drug sold at the pharmacy

This bill would revise this provision by (1) providing that no pharmacy shall be required to provide the price of any controlled substance in response to a telephone request or to respond to a request from a competitor or an out-of-state requester, (2) specifying that a request for drug prices on more than 5 prescription drugs made by a requester without valid prescriptions for those drugs is subject to specified requirements, and (3) providing that a pharmacy may charge a reasonable fee for price quotations for more than 20 drugs, if the requester was previously informed that such a charge would be imposed.

Ch. 185 (SB 1914) Petris. Hospital districts: trade secrets and open meetings: contracts and public records.

(1) Under existing law, known as the California Public Records Act, records of state and local agencies, including a local hospital district, are generally open to public inspection

This bill would exempt records of a local hospital district which relate to certain contracts with an insurer or nonprofit hospital service plan for inpatient or outpatient services from public inspection, as specified

(2) Existing law, except as specified, generally requires the meetings of a board of directors of a local hospital district to be open to the public.

This bill would permit a board of directors to order a closed session, as specified, solely for the purpose of discussion or deliberation, or both, of reports involving hospital trade secrets, as defined

(3) The bill would make certain findings and declarations

Ch. 186 (AB 3217) Vasconcellos. 1986-87 Budget. ²

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This bill would make appropriations for support of state government for the 1986-87 fiscal year.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 187 (AB 832) Vicencia. Southern California Rapid Transit District: rail car purchases

(1) Under existing law, the Southern California Rapid Transit District may, after a 2/3 vote of the district board, purchase computers, telecommunications equipment, fare collection equipment, microwave equipment, and other related electronic equipment and apparatus by competitive negotiation, rather than by competitive bidding, when specified requirements are met.

This bill would, in addition, permit the purchase of rail cars by the district under these competitive negotiation procedures.

The bill would also require the district board, upon making a purchase from a qualified proposer under these provisions, to make available upon request, to other proposers and the public an analysis of the award providing the basis for the selection of that particular qualified proposal.

(2) Under existing law, a proposer may file a protest with the district board prior to final award of a contract under (1) above. The decision of the district board on the protest is final.

This bill would delete the provision that the decision of the district board is final.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 188 (AB 2737) Klehs Special district elections.

Existing law provides that the election of members of the governing body of a special district shall be held on the 1st Tuesday after the 1st Monday in November of odd-number years. It also provides that district elections generally may be consolidated, under specified circumstances, with statewide elections.

This bill would provide that notwithstanding any other provision of law, the governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election, and would specify the contents and the time for submission of the resolution.

This bill would impose a state-mandated local program by requiring the board of supervisors to notify all districts within the county of the receipt of a resolution to consolidate, and by requiring notice of the approval of the resolution to the voters of the district at district expense

This bill would provide that the board of supervisors shall approve a request for consolidation unless the board makes specified findings. It would prohibit the consolidation of an election if any of one or more counties in which a special district is located denies the request for consolidation.

Existing law permits a city council to enact an ordinance requiring its general municipal election to be held on the same day as the statewide direct primary election, the day of the statewide general election, or on the day of school district elections rather than on the date specified by statute but provides that as the result of the adoption of the ordinance, no term of office shall be increased or decreased by more than 10 months

This bill would, instead, provide that as a result of the adoption of the ordinance, no term of office shall be increased or decreased by more than 12 months

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 189 (AB 3479) Harris. Public finance: local fees or taxes.

Existing law permits cities, counties, and districts to impose special taxes, upon compli-

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ance with certain procedural requirements, with the approval of $\frac{2}{3}$ of the voters of the levying entity. Existing law excludes from the definition of a "special tax" any fee which does not exceed the reasonable cost of providing the service or regulatory activity for which the fee is charged.

This bill would provide that in any judicial action or proceeding to validate, attack, review, set aside, void, or annul any ordinance or resolution providing for the imposition of a development fee by any city, county, or district in which there is at issue whether the fee is a special tax, the city, county, or district has the burden of producing evidence to establish that the fee does not exceed the cost of the service, facility, or regulatory activity for which it is imposed. This bill would specify the requirements which must be met before a party may initiate an action or proceeding to contest the fee. This bill would also specify the manner in which costs are to be determined for purposes of ascertaining in the action or proceeding whether the fee is a special tax.

Ch 190 (AB 3785) Cortese Mobilehome parks

(1) Under existing law, prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act, or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use is required to file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents. Procedures are established for carrying out this mandate.

This bill would make the above-described mandate applicable to charter cities. As to those charter cities, this would constitute a state-mandated local program.

The bill would permit a local agency to impose a reasonable fee on the person or entity proposing the change in use in accordance with other existing provisions of law.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 191 (AB 1594) N Waters. Produce markets: Los Angeles County.

Existing law generally provides for the regulation, by the Director of Industrial Relations and the regional deputy labor commissioner, of the unloading of farm products in markets, as defined, by registered unloaders, as defined, throughout the state. Specific provisions are applicable to unloading farm products in any market in the Counties of Alameda and San Mateo, and in the City and County of San Francisco. Any produce market in which less than 5 produce dealers, as defined, operate is exempt from these statutory provisions.

This bill would exempt all produce markets in Los Angeles County from these statutory provisions regarding the unloading of farm products.

Ch. 192 (AB 2596) Bane. Courts: traffic violator schools.

(1) Existing law authorizes a court to order a person charged with traffic violations or offenses to attend a traffic violator school.

This bill would make willful failure to attend a traffic violator school as ordered, a misdemeanor, thus imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would take effect immediately as an urgency statute.

Ch 193 (AB 2620) Hannigan. Income taxes

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, various provisions of the federal Internal Revenue Code of 1954 as enacted as of a

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specified date are referenced in various sections of the Revenue and Taxation Code. Existing law provides that for taxable years beginning on or after January 1, 1985, the specified date of those referenced Internal Revenue Code sections is January 1, 1985.

Existing law provides that for any introduced bill which proposes changes in any of those dates, the Franchise Tax Board shall prepare a complete analysis of the bill which describes all changes to state law which will automatically occur by reference to federal law as of the changed date. It further requires the Franchise Tax Board to immediately update and supplement that analysis upon any amendment to the bill, and requires that analysis to be made available to the public and to be submitted to the Legislature for publication in the daily journal of each house of the Legislature

This bill would change the specified date of those referenced Internal Revenue Code sections to January 1, 1986, for taxable years beginning on or after January 1, 1986.

The existing Personal Income Tax Law and Bank and Corporation Tax Law include for taxable and income years beginning on or after January 1, 1985, special provisions making inapplicable specified sections of the Tax Reform Act of 1984 (Public Law 98-369) relating to the treatment of certain debt instruments (market discount and original issue discount bonds) and to imputing interest on certain deferred payment or installment sales and certain interest-free and below market interest rate loans

This bill would continue to make those federal provisions, as modified by provisions contained in Public Law 99-121, inapplicable for taxable and income years beginning on and after January 1, 1986.

This bill would take effect immediately as a tax levy.

Ch 194 (AB 2747) Kelley Air pollution. gasoline vapor recovery systems

(1) Under existing law, in effect until January 1, 1987, every air pollution control district and air quality management district which requires the installation at gasoline service stations of systems for the control of vapors resulting from motor vehicle fueling operations is required to establish a toll free telephone number for use by the public in reporting problems with the systems, to either investigate complaints or refer them to the proper state or local agency for investigation, to take appropriate remedial action, and to advise the complainant of the action taken.

This bill would delete the January 1, 1987, termination date, thereby extending these requirements indefinitely, and in so doing would impose a state-mandated local program. The bill would also delete certain obsolete provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 195 (AB 515) Harris Public contracts.

Existing provisions of the Public Contract Code include the contracting authority and other powers of various public entities. These provisions were previously in other codes.

This bill would make legislative declarations concerning the intent of the bill and would transfer the above provisions from the Public Contract Code back to the other codes.

Existing provisions are contained in the Government Code relating to subletting and subcontracting under state and local agency contracts.

The bill would transfer these provisions to the Public Contract Code.

In addition, the bill would make other technical, nonsubstantive changes

Chapter 155 of the Statutes of 1984 changed references from Greater Bakersfield Metropolitan Transit District to Golden Empire Transit District

This bill would change the heading of the above article governing the above district to Golden Empire Transit District.

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Ch. 196 (AB 1541) Seastrand. Schools: medical services information.

Existing law does not require the governing board of a school district to notify pupils in grades 7 to 12, inclusive, and parents or guardians of all pupils that school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.

This bill would impose a state-mandated local program by requiring the governing board of each school district to provide that notification in each academic year, commencing with the fall of the 1986-87 academic year

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would take effect immediately as an urgency statute.

Ch 197 (AB 1027) Farr. Wine grapes

(1) Existing law does not specify whether juice or must from grapes that have been crushed or pressed either in the field or at a facility not owned by the purchasing vintner are considered a farm product for the purpose of the laws relating to processors of farm products.

This bill would state that juice or must used for wine which, as a condition of sale, is required to be crushed or pressed either in the field or at a facility not owned by the purchasing vintner, is a farm product, thus imposing a state-mandated local program since a violation of the laws relating to processors of farm products is a misdemeanor

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 198 (AB 2017) Frazee. Local coastal programs

(1) The California Coastal Act of 1976 requires each local government in the coastal zone to prepare a local coastal program with specified content for that portion of the coastal zone within its jurisdiction

This bill would require the City of San Diego to include a provision in its local coastal program which requires an applicant for a coastal development permit to pay a fee to the State Coastal Conservancy under certain conditions, thereby imposing a state-mandated local program. The bill would require the fee to be deposited in an account established by the State Coastal Conservancy. The bill would prohibit appropriation of the fees except for the purposes of the bill and would prohibit and authorize the fees to be used only to restore, replace, or improve resources or ecological systems consistent with the certified local coastal program of the local public agency, and only after consultation and consent of the local public agency.

The bill would apply only to the Los Peñasquitos Lagoon area in the City of San Diego.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 199 (AB 2212) Elder. Public Employees' Retirement System.

(1) The Public Employees' Retirement Law (PERL) establishes, for certain state miscellaneous members, as specified, a second tier, alternative, optional, retirement plan, designated Two Tier, with, among other things, earliest retirement at age 55 with 10 years of service, a normal retirement age of 65 years, a 0.7500%-at-age-55 to 1.2500%-

at-age-65 benefit computation formula and an annual adjustment of service retirement allowances of 3% compounded annually

This bill would change the designation of the plan from Two Tier to Second Tier effective September 1, 1986, make the plan available also to specified state industrial members and members employed by the judicial branch of state government. This bill would revise the formula to a 0.5000%-at-age-50 to 1.2500%-at-age-65 benefit computation formula, make Second Tier disability retirement allowances subject to the annual 3% COLA; and make other related, corrective, technical, clarifying, and updating changes

(2) The PERL provides certain industrial disability retirement allowance options for certain state safety members employed in the Department of Corrections or the Department of the Youth Authority

This bill would make clarifying changes in that provision.

(3) The Public Employees' Medical and Hospital Care Act (PEMHCA) requires the Board of Administration of PERS to provide health benefits coverage to public employees and annuitants of the state and contracting agencies.

This bill would revise the powers of the board of administration to enter into contracts for or approve health benefits plans, including authorizing contracts for unique or specialized health services and would expand the definition of "contracting agency" to include any special district and any special district which is subject to the County Employees Retirement Law of 1937. This bill would also provide that any contracting agency, rather than any contracting agency which is a city, shall be subject to PEMHCA only with respect to a recognized employee organization upon the filing of a resolution of its governing body so electing.

This bill would take effect immediately as an urgency statute.

Ch. 200 (AB 2765) Lancaster. Building standards

Existing law requires that any building standard adopted by state agencies be submitted to, and approved by, the State Building Standards Commission prior to codification.

This bill would require the building standards to be adopted in compliance with specified provisions of the Administrative Procedure Act.

Ch. 201 (AB 2892) Frazee. Petroleum products.

(1) Existing law makes deceptive, false, and misleading statements regarding quality, quantity, performance, price, discount, or savings used in the sale of petroleum products unlawful

This bill would make various specified misleading, unfair, or deceptive sales acts or practices also unlawful, thereby imposing a state-mandated local program by creating a new crime.

The bill would delete other provisions relating to misleading advertisement placements, advertising other goods with motor fuel, advertising products not sold, fraudulent sales, regulating written authorizations for petroleum products, and prohibiting adulteration of various petroleum products.

(2) Existing law requires the Department of Food and Agriculture to establish specifications for automatic transmission fluid

This bill would delete that requirement and, instead, require automatic transmission fluid to meet all automotive manufacturers' recommended requirements, and would require documentation of any claim made upon their products' labels to be provided to the department upon request, thereby imposing a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 202 (AB 2918) Tucker. Medi-Cal: reimbursement.

Under existing law, providers of Medi-Cal services are reimbursed for providing

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services to eligible recipients, and until an automated eligibility system is implemented, a hospital may not be prohibited from receiving reimbursement for Medi-Cal services solely due to the absence of proof of eligibility labels if specified conditions are met.

This bill would make that provision applicable to licensed primary care clinics.

Ch. 203 (AB 2983) Bradley. Part-time service credit—STRS: standard-revision.

The State Teachers' Retirement Law bases the service credit for K-12 members on an hourly or daily basis on full-time employment of 176 days or 1050 hours for a school term or 260 days or 1560 hours for a school year. The service credit for community college members is based on an hourly or daily basis on the ratio of the total hourly or daily service performed to the number of days of service required by the district to be performed by its full-time employees. The Teachers' Retirement Board is required to make equitable adjustments for service exceeding a school term but less than a school year.

This bill would delete the specific provisions relating to K-12 members and would instead base the service credit for those members on the same computation as is currently prescribed for community college members.

This bill would delete the requirement that the board make those equitable adjustments.

Ch. 204 (AB 3074) Frazee. Architecture.

(1) Existing law regulating the practice of architecture specifies that it does not prohibit any person from preparing plans, drawings, or specifications for specified buildings. Existing law also provides that if any portion of any exempted structure, as specified, deviates from conventional framing requirements for woodframe construction found in the 1985 Edition of the Uniform Building Code or tables of limitation for woodframe construction, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the direct supervision of, a licensed architect or registered engineer.

This bill would revise the provisions relating to conventional framing requirements by deleting the reference to the 1985 Edition of the Uniform Building Code and instead referring to the most recent edition of the Uniform Building Code.

(2) Existing law authorizes any board within the Department of Consumer Affairs, including the State Board of Architectural Examiners, to appoint persons as commissioners on examinations to give the whole or any portion of any examination.

This bill would specify that the State Board of Architectural Examiners may adopt guidelines for the delegation of its authority to grade the examinations of applicants for licensure as an architect to any vendor under contract with the board to provide an architect's registration examination. The bill would specify the contents of the guidelines, and would prohibit the delegation to any vendor not in compliance with the guidelines.

Ch. 205 (AB 3094) Leonard. Administrative regulations.

Under existing law, the Administrative Procedure Act specifies the procedures for the adoption of administrative regulations by state agencies and for submission of the regulations to the Office of Administrative Law for review and approval in accordance with specified standards. Among other things, these procedures require a state agency to submit to the office initial and final statements of reasons for the regulation which include the agency's reasons for rejecting alternatives to the regulation.

This bill would require these statements to include a determination that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Ch. 206 (AB 3097) Jones. Milk and dairy products.

Existing law specifies the contents and processing standards for various specified dairy products, but not sterilized flavored lowfat milk.

This bill would specify the contents and processing standards for sterilized flavored

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lowfat milk

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 207 (AB 3394) Frazee. Electronic and appliance repair dealers

Existing law provides for the registration and regulation of persons who act as service dealers under the Electronic and Appliance Repair Dealer Registration Law. A service dealer is defined as any person who repairs, services or maintains televisions, radios, audio or video recorders, or playback equipment or video cameras, video games, video monitors, or computer systems or appliances or who installs, repairs, services or maintains television or radio receiver antennas or rotators or satellite signal receiving equipment.

This bill would include in the definition of a service dealer any person who holds himself or herself out to the public as offering those services.

Existing law exempts from regulation under the Electronic and Appliance Repair Dealer Registration Law an automobile dealer or manufacturer, as specified, where the dealer or manufacturer installs or replaces an automobile radio or antenna related to the sale of a motor vehicle

This bill would revise that exemption to provide that it applies to the installation or replacement of a motor vehicle radio, antenna, or audio or video playback equipment.

Existing law specifies the grounds for the refusal to validate, or to invalidate, the registration of a service dealer under the Electronic and Appliance Repair Dealer Registration Law, including, among other things, the making of any false promises likely to induce a customer to authorize the repair, service, or maintenance of any equipment, as specified, and the willful departure from accepted trade standards for good and workmanlike repair. Additional grounds are the holding of a registration for the benefit of a former registrant whose registration has been revoked and is still involved in the registrant's business

This bill would include the installation of equipment in the above provisions. This bill would also revise the above latter provision to include the holding of a registration for the benefit of a person whose registration has been suspended.

Existing law requires an electronic and appliance repair service dealer to retain a copy of an invoice detailing all work performed for a customer for a period of at least one year

This bill would require the invoice to be retained for 2 years.

Existing law requires an electronic and appliance repair service dealer to make a written estimate if a customer requests an estimate for repairs and authorizes a reasonable fee for making that estimate. The law prohibits any lien or right to maintain possession of the equipment where the charges exceed the estimate.

The bill would require the service dealer to advise the customer in writing of the fee for determining the nature of the malfunction prior to a repair made in the residence, before removal of the goods from the customer's residence, or upon acceptance of the goods at the repair facility or registered location and would make a corresponding change in the lien provision to include installation.

This bill also would require the charge for the installation of any equipment subject to the requirements of the Electronic and Appliance Repair Dealer Registration Law to be given to the customer in writing prior to making the installation. The bill would provide that whenever the charge for installation is included in the sale price of the item and is not separately stated, or whenever the charge for installation is reduced as an incentive to effectuate to purchase and sale, the Bureau of Electronic and Appliance Repair may determine the reasonable charge attributable to the installation for purposes of enforcement.

Existing law prohibits a person required to be registered under the Electronic and Appliance Repair Dealer Registration Law from maintaining any action, or having any lien, for labor or material for repairs done unless he or she has a valid registration.

This bill would include the installation of any equipment covered by that law in those provisions.

Existing law provides that any violation of the Electronic and Appliance Repair Dealer Registration Law is a misdemeanor unless otherwise stated.

This bill would impose a state-mandated local program by creating or revising crimes.

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The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 208 (AB 4098) Hannigan. State Teachers' Retirement System: optional settlements.

The State Teachers' Retirement Law authorizes members qualified to apply for service retirement to make a preretirement election of specified optional settlements.

This bill would require the system to inform members who are qualified therefor, through the annual statement accounts, that the election is available.

Ch. 209 (AB 983) Vasconcellos. Desegregation costs: San Jose Unified School District.

Existing law authorizes the Controller to reimburse school districts for specified costs of maintaining a court-mandated program to remedy the harmful effects of racial segregation.

This bill would set forth the legislative finding that the San Jose Unified School District lacks adequate funding to comply with a federal court order for the implementation of a desegregation program during the 1985-86 fiscal year, the costs of which are estimated at \$3,162,281.

This bill would appropriate \$3,162,281 to the Controller for reimbursement, as specified, to eligible school districts for costs incurred during the 1985-86 fiscal year under a court-mandated desegregation program.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 210 (AB 4310) Lancaster. Banks: liquidation by Superintendent of Banks.

Existing law provides a comprehensive scheme for the liquidation, conservatorship, reorganization, and dissolution of a state bank.

This bill would provide that expenses and claims of unsecured creditors in a bank liquidation shall have priority in a specified order.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 211 (AB 3354) Hughes. Educational programs.

(1) Existing law authorizes the Department of General Services to directly manufacture any textbook title where it can do so at a lower unit cost than that proposed by a publisher or manufacturer of instructional materials, as specified.

This bill would exclude, from the calculation of unit cost, the amount of California sales tax liability that would apply, and would require the department to also manufacture all related teacher materials that would ordinarily be provided by a publisher or manufacturer in addition to the textbook title.

This bill would require that, where the department adopts instructional materials under a lease contract, rather than by purchase, the same manufacturing specifications are to be followed as if the materials were purchased, rather than comparable specifications as provided by existing law.

This bill would require that the cost price of any school book, as set by the State Board of Education, include amounts equal to the cost of transportation that would apply to the book.

This bill would delete the provisions of existing law pertaining to the state textbook warehouse, and to the placement of orders for instructional materials through an office or depository in this state for purchases by governing boards of specified quantities of textbooks not adopted by the state.

This bill would repeal the requirement that instructional materials placed in use by a school district remain in use for specified periods of time.

This bill would also delete the requirement that governing boards of school districts order publishers or manufacturers who violate specified provisions of law relating to instructional materials cease offers or sales of instructional materials to the district.

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(2) Under existing law, the Legislature is required to conduct a comprehensive review of certain education programs. These programs, as presently maintained, cease to be operative on various specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact that legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative. The provisions governing educational programs relating to local staff development and teacher education and computer centers, professional development centers, and instructional materials will cease to be operative on June 30, 1986.

This bill would extend to January 1, 1990, the date that provisions governing educational programs relating to local staff development and teacher education and computer centers would become inoperative. The bill would thus impose state-mandated local programs by continuing the duties of governing boards of school districts regarding local staff development programs, and by continuing the duties of county superintendents of schools with respect to teacher education and computer centers. This bill also would extend to June 30, 1991, the date that Instructional Materials programs would become inoperative.

The bill also would make technical changes in the law relating to the review of those programs, including the requirement that all sunset reviews and reports completed subsequent to the specified staff development study shall reflect the data provided in that study, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

(4) This bill would provide that if this bill and AB 2813 are both enacted and become effective on or before January 1, 1987, and both bills add Section 62000.2 to the Education Code, Section 62000.2 of the Education Code, as added by this bill shall remain operative only until the effective date of AB 2813, at which time that provision, as added by this bill, would be repealed.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 212 (SB 2163) Mello. Advisory Committee on Salmon and Steelhead Trout.

Under existing law, the Joint Committee on Fisheries and Aquaculture is required to establish the Advisory Committee on Salmon and Steelhead Trout of specified membership to study and investigate specified matters relating to salmon and steelhead trout resources.

Existing law requires the Department of Fish and Game to provide the advisory committee staffing within the budgetary constraints of the department.

Under existing law, the moneys in the Fisheries Restoration Account in the Fish and Game Preservation Fund are appropriated to the department for each of the 1985-86 and 1986-87 fiscal years for expenditure for projects to maintain and primarily to restore fisheries resources and their habitat.

The bill would appropriate \$375,000 from the Fisheries Restoration Account in the Fish and Game Preservation Fund to the department to provide for administrative costs of the advisory committee, for expenditure in the 1985-86, 1986-87, and 1987-88 fiscal years.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 213 (AB 2684) Jones. Public social services: elderly persons

Under existing law, the State Department of Health Services is required to conduct preadmission screening programs of specified persons applying for admission to long-term health care facilities in a limited number of Medi-Cal field offices. The State Director of Health Services was required to expand the preadmission screening activi-

ties statewide on July 1, 1985, if possible.

This bill would require the State Department of Health Services to implement preadmission screening statewide beginning July 1, 1986, and would exempt from the preadmission screening those persons referred to certified programs for the mentally ill or developmentally disabled and persons who have been residing in the residential care facility portion of a multilevel facility, as defined.

The bill would require long-term health care facilities and general acute care hospitals to contact by telephone the appropriate State Department of Health Services Medi-Cal field office for the purpose of conducting preadmission screening. To the extent those entities are local agencies, the requirement would create a state-mandated local program.

This bill would require that persons who are admitted to nursing homes as a result of preadmission screening either be given a discharge plan for short-term admittees or be reviewed for their potential for community-based care for long-term admittees. It would require that Medi-Cal recipients residing in nursing homes who have not had preadmission screening be reviewed for their potential for postadmission screening, as defined.

Existing law requires the State Department of Health Services to mandate a memorandum of agreement between the State Department of Health Services Medi-Cal field offices and contractors funded under the preadmission screening program.

This bill would delete that requirement.

Existing law required the State Director of Health Services to submit a report to the Legislature no later than March 1, 1985, on the implementation of the program.

This bill would require the State Department of Health Services to submit a report addressing specified items no later than March 31, 1987, on the statewide implementation of the program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 214 (SB 1610) Craven. Sales and use tax: motor vehicle fuel

The existing California Sales and Use Tax Law imposes sales and use taxes on the sale, storage, use, or other consumption in this state of tangible personal property. The law requires any person whose estimated tax liability averages \$17,000 or more per month to make specified prepayments of the tax. The existing Motor Vehicle Fuel License Tax Law also imposes a tax on the privilege of distributing or storing motor vehicle fuel.

This bill would require, beginning July 1, 1986, distributors of motor vehicle fuel subject to the motor vehicle fuel license tax to collect prepayments of the retail sales taxes from the person to whom the fuel is first distributed in this state at a specified rate and to remit the taxes to the State Board of Equalization in accordance with a specified procedure. The board would be authorized to require a distributor subject to these requirements to place a security with it, subject to specified maximums, to ensure compliance with the requirements of this bill. Any person subject to this bill would not be required to make an additional prepayment pursuant to the prepayment requirements of existing law if more than 75% of the person's gross receipts are from the retail sale of motor vehicle fuel.

This bill would appropriate \$338,000 to the State Board of Equalization for startup costs to implement this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 215 (AB 351) M. Waters. Family law: marital property.

Existing law generally provides that the court, in a proceeding for dissolution of marriage or legal separation, except upon the written agreement of the parties, or oral stipulation of the parties in open court, shall divide the community property and quasi-community property of the parties equally.

This bill would specify the manner in which debts, for which the community estate, as defined, is liable, which are unpaid at the time of trial or for which the community becomes liable after trial, shall be confirmed or divided in such a proceeding.

It also would make related changes.

Ch. 216 (AB 110) Peace. Taxation: diesel fuel: schools: transactions and use tax.

(1) Under existing law, school districts, community college districts, and county superintendents of schools are exempted from liability for the use fuel tax. Interest and penalties for nonpayment of assessments made against these taxpayers prior to July 1, 1984, have been canceled. Tax liabilities accrued between July 1, 1981, and July 1, 1984, may, at the option of the taxpayer, be paid over a period of up to 10 years.

This bill would clarify the interest and penalties for which these taxpayers have been exempted and would also clarify the tax liabilities for taxes accrued between July 1, 1981, and July 1, 1984, for which these taxpayers are liable.

(2) Under the Transactions and Use Tax Law, the storage, use, or other consumption of tangible personal property, where the gross receipts from the sale of the property have been subject to a transactions tax under any state-administered transactions and use taxes ordinance, is exempt from the tax under that law.

This bill would instead require that any person subject to a use tax under that law be entitled to credit against that tax or any transactions tax, or to reimbursement for a transactions tax, paid under that law elsewhere.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 217 (AB 698) Kelley. Tilapia and Corvina.

Under existing law, it is unlawful to offer a prize for the taking of any game birds, mammals, fish, reptiles, or amphibia in an individual contest, tournament, or derby where the total value of the prizes or inducements exceeds \$200, except for trout, striped bass, or black bass pursuant to a permit.

This bill would add Tilapia and Corvina to the exception.

Ch. 218 (AB 1424) N. Waters. International trade: agricultural cooperative bargaining associations.

(1) Existing law requires the Director of Food and Agriculture to prepare and submit an annual report to the Legislature concerning agricultural cooperative bargaining associations, with assistance from an advisory committee.

This bill would require the members of the advisory committee to be reimbursed for travel expenses for attendance at meetings, as specified.

(2) Under the Foreign Market Development Export Incentive Program for California Agriculture Act, an advisory committee with a specified membership consisting of certain appointees and heads of specified state agencies reviews and recommends project proposals to the director for funding under which a cooperator, as defined, will conduct activities that address constraints and encourage the development or maintenance of agricultural commodity export sales.

This bill would increase the funds which may be appropriated to support state administrative costs under the act from \$200,000 to \$400,000. The bill would also require the appointees to the advisory committee to have demonstrated international agricultural marketing experience and the Governor's 2 appointees to also have demonstrated international agricultural financial experience. The bill would stagger the terms of the initial appointees to the committee and would require members of the committee to be reimbursed for travel expenses for attendance at meetings, as specified.

(3) Existing law requires project agreements to contain specified information regard-

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ing the applicant organization, the commodity, funding, proposed activities, and other information.

This bill would require the director, the Director of General Services, and the advisory committee to take necessary precautions to assure the confidentiality of the information submitted by individual applicant organizations. The bill would also authorize the director to separately fund project proposals from specified organizations actively engaged in marketing the same commodities.

(4) Existing law requires contracts entered into by state agencies to be approved by the Department of General Services.

This bill would require the Director of General Services to approve or disapprove project agreements within 15 days of submittal.

(5) The bill would take effect immediately as an urgency statute.

Ch 219 (AB 1619) Farr Health care.

Under existing law, the Board of Supervisors of Monterey County is authorized to order the formation of the Monterey County Special Health Care Authority, and also to order the dissolution of the authority.

This bill would provide that the state shall not be liable for any claim against the Monterey County Special Health Care Authority, or against the state, arising as a result of the Medi-Cal pilot project involving the authority. It would provide that a specified appropriation in the 1986-87 Budget Act shall constitute the total state adjustment of the debts of the authority.

The bill would declare that it shall take effect immediately as an urgency statute.

Ch. 220 (AB 2392) Filante. Business and professions.

(1) Existing law provides that if a hearing is requested by any person who has been denied a license pursuant to provisions of the Business and Professions Code, he or she shall be given a hearing within 90 days. The Office of Administrative Hearings may order or grant a request for an additional 45 days within which to conduct a hearing.

This bill would provide that in cases involving alleged examination or licensing fraud the period may be up to 180 days.

(2) Existing law prohibits the sale or purchase or use of any degree, certificate, or transcript made or purporting to be made pursuant to any laws regulating the licensing and registration of physicians and surgeons, podiatrists, osteopaths, and chiropractors, as specified.

This bill would include the possession of those documents and any other writing in those prohibitions and would provide that the prohibitions shall apply to any degree required for licensure under the healing arts division of the Business and Professions Code.

(3) Existing law prohibits the making of a false statement in any affidavit required for examination, licensure, certification, or registration under the State Medical Practice Act, the Osteopathic Act, or the Chiropractic Act.

This bill would state that the prohibition is to apply to any document or writing and would apply the prohibition to any of the licensing provisions of the healing arts division of the Business and Professions Code.

(4) Existing law makes it grounds for the denial, suspension, or revocation of a license issued under the Business and Professions Code for conduct which, among other things, violates the security of an examination.

This bill would also make it unlawful for any person to violate the security of any examination relating to a license or certificate issued pursuant to the healing arts division of the Business and Professions Code, the Osteopathic Act, or the Chiropractic Act.

Existing law, applicable generally to all licenses issued under the Business and Professions Code, makes it grounds for the denial, suspension, or revocation of any license for, among other things, impersonating an examinee or having an impersonator take the examination. Existing law also makes it unlawful to impersonate or attempt to impersonate another in an examination relating to a license or certificate issued pursuant to the Medical Practice Act, the Osteopathic Act, or the Chiropractic Act.

This bill would include a prohibition against soliciting the impersonation of another

in an examination with respect to the Medical Practice Act, the Osteopathic Act, or the Chiropractic Act.

(4.5) Existing law provides that no board which licenses dentists, physicians and surgeons, or nurses may require a person to obtain a California license to practice his or her profession in this state if the person is employed by the federal government or an agency thereof or is rendering services, pursuant to a contract, on a federal reservation or at any facility wholly supported and maintained by the federal government or is exempted by federal statute

This bill would include a board which licenses podiatrists in those provisions and would require the person employed by the federal government to provide medical services exclusively on a federal reservation or at a federal facility.

(5) Existing law requires each application for a physicians' and surgeons' and a podiatrists' certificate to be on a form provided by the Division of Licensing of the Board of Medical Quality Assurance

This bill would, in addition, require the application to be verified, as specified, under penalty of perjury.

(6) Existing law provides that the revocation, suspension, or other discipline by another state of a license issued by the state to a licensee of the Medical Practice Act constitutes grounds for disciplinary action against the licensee in this state.

This bill would include, as an additional ground, the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government.

(6.5) Existing law provides that the Board of Medical Quality Assurance shall provide representation to defend a person who is hired or under contract to provide expertise to the Division of Medical Quality or to the Podiatry Examining Committee and is named as a defendant in a civil action for defamation resulting from opinions, statements, or testimony given to the division or committee

This bill would revise that provision to require the board to provide for representation for a person hired or under contract to the board or any agency under jurisdiction of the board and is named as a defendant in a civil action provided the person requests the representation and it is reasonably determined that the action for which the person is named is substantially related to or arises from opinions, statements, testimony, or other assistance given to the board or other agency

(7) Existing law provides that each member of a board, commission, or committee created pursuant to specified provisions of the Business and Professions Code shall receive a per diem and expenses.

This bill would add "panel" to those provisions.

(8) Existing law exempts a licensee of the Medical Practice Act from the payment of the renewal fee while engaged in active service in the Army, Navy, Air Force, Marines, or in the United States Public Health Service.

This bill would provide that these licensees shall be subject to the continuing education requirements for licensed physicians and surgeons.

(9) Existing law prescribes limitations of time in which prosecution for criminal offenses may be commenced. The law specifies that a limitation of time does not commence until discovery of specified offenses, including, among others, one in which fraud is an element of the offense.

This bill would provide that the limitation of time does not commence to run until discovery of a violation of the above provisions relating to fraud, writings, and examination security.

(10) This bill would impose a state-mandated local program by imposing or changing a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

(11) The bill would take effect immediately as an urgency statute

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Ch. 221 (AB 3038) Leonard Open-space and recreation facilities assistance.

(1) Under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Act, the Department of Parks and Recreation is authorized to make annual grants to cities, counties, and districts for recreational purposes or open-space purposes, as specified.

This bill would define certain county service areas, or zones therein, within the County of San Bernardino as districts and not counties under the act

(2) Under the act, 69% of the funds available in any one fiscal year are available only for block grants to cities, counties, and districts, as defined, in urbanized areas. Of these funds, 60% are required to be allocated to cities and recreation and park districts.

This bill would delete the reference to recreation and park districts and instead require the funds to be allocated to cities and "districts," as that term is defined pursuant to the act

(3) The bill would make an appropriation by making the block grants available to districts, instead of only to recreational and park districts and regional park districts, since the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Account in the General Fund is a continuously appropriated fund.

Ch. 222 (AB 3638) Bradley. Public Employees' Retirement System: 1959 survivor allowance.

A provision of the Public Employees' Retirement Law presently prescribes increased 1959 survivor allowances for specified survivors of members who are not covered by the social security system and who die before retirement but limits its application to beneficiaries of certain state members receiving 1959 survivor allowances on January 1, 1985.

This bill would limit its application, instead, to beneficiaries of certain state members whose death occurred prior to January 1, 1985, and would provide that where a surviving spouse attained age 62 prior to January 1, 1987, entitlement shall exist retroactive to January 1, 1985, or the 62nd birthday, whichever is later.

Ch. 223 (SB 1621) Nielsen. Veterans' memorial halls

Existing law permits local governments to provide buildings and facilities to veterans' associations for memorial halls as meeting places and recreation centers. For these purposes, "veterans' association" is defined as an association or organization of persons who served honorably in time of war in the United States armed forces or as United States citizens in the armed forces of an allied government.

This bill would expand that definition to also include persons who served honorably in the United States armed forces in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States. The bill would also make other technical and clarifying changes.

Ch. 224 (SB 1648) Nielsen. State hospitals

Existing law provides that Napa State Hospital is within the jurisdiction of the State Department of Developmental Services.

This bill would transfer jurisdiction over Napa State Hospital to the State Department of Mental Health and make various technical changes in connection with this change of jurisdiction.

Under existing law, the Department of General Services is empowered to perform various duties relating to state real property

This bill would permit the Director of General Services, with the consent of the State Department of Mental Health, to lease a building located at Patton State Hospital to a private nonprofit corporation or local government, for a period not to exceed 20 years, for the purpose of providing services to elderly persons

This bill would provide for the immediate granting of powers and functions to the State Department of Mental Health as may be necessary for the orderly transfer of jurisdiction to that department. This bill would authorize an interagency agreement to allow the State Department of Mental Health to provide services to persons with developmental disabilities in state hospitals under its jurisdiction.

This bill would make certain other nonsubstantive changes regarding Patton State

Hospital.

This bill would declare that it is to take effect immediately as an urgency statute. It would provide for an operative date of July 1, 1986, for the transfer of jurisdiction.

Ch. 225 (SB 1933) Deddeh. Bad checks: punitive damages.

Existing law creates a cause of action for treble the amount owing but in no case less than \$100 or more than \$500 plus the costs of mailing the written demand for payment for failure to pay upon a dishonored check, in cash, within 30 days of written demand therefor mailed to the maker by certified mail.

This bill would specifically authorize such a cause of action to be brought in municipal or justice court by an assignee of the claim, and would limit the assignee's charges for handling such a claim if the assignee brings the action on behalf of the payee, as specified

Ch. 226 (AB 2424) Johnston Conservatorships.

Existing law provides for the right of a person admitted or committed to a state hospital, community care facility, or health facility as a developmentally disabled person to a hearing by writ of habeas corpus in the county in which the conservatee is confined

This bill would provide that when any conservatee challenges his or her placement or conditions of confinement by a writ of habeas corpus, notwithstanding the continuing jurisdiction of the court which appointed the conservators, judicial review of the petition shall be in the county where the conservatorship was established or in the county in which the conservatee is placed or confined.

This bill would also require a conservatee released as a result of the hearing to be returned to the county where the conservatorship originated

Ch. 227 (AB 2676) Jones. Milk and dairy products

(1) Existing law provides that the purchase of any manufacturing milk from any producer or any manufacturing milk producer without a written contract, with specified requirements, is an unlawful trade practice

This bill would delete those provisions and provide that the purchase of any manufacturing milk in excess of 200 gallons monthly from any manufacturing milk producer without a written contract, with additional specified requirements, is an unlawful practice. Since a violation of these requirements is a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(2) Existing law authorizes the Director of Food and Agriculture to revoke or suspend the license of any handler who has not paid for delivered manufacturing milk.

This bill would authorize the director, pursuant to a specified procedure, to also refuse to grant or renew any license to a handler in that case

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 228 (AB 2837) Leonard Job training.

Existing law provides that a private industry council shall include representatives of educational agencies in the service delivery area who are representative of all educational agencies in the service delivery area

This bill would further provide that educational representatives on the council shall be selected from among individuals nominated by local educational agencies, vocational education institutions, institutions of higher education, or general organizations of these agencies or institutions, and by private and proprietary schools or general organizations of these schools, within the service delivery area

This bill would also provide that no council member representing private industry may be represented by an alternate at council meetings.

Ch. 229 (AB 3073) Frazee Business and professions: civil engineers' land survey-

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ors.

Existing law defines the phrase "responsible charge of work," for the purposes of provisions regulating civil engineers and land surveyors, to mean the independent control and direction, by the use of initiative, skill, and independent judgment, of engineering or land surveying work, as specified.

This bill would revise this definition to state that the phrase does not refer to the concept of financial liability.

Existing law requires the executive officer of the State Board of Registration for Professional Engineers and Land Surveyors to prepare, once every 4 years, a roster containing, among other things, the names and addresses of all licensed land surveyors.

This bill would require the executive officer to prepare the roster once every 2 years, instead of 4 years, and would require the executive officer to also prepare, at least once a year, a supplemental roster containing the names and addresses of all licensees who are delinquent in paying their fees, whose licenses have expired, or who are deceased.

Existing law authorizes the board to establish licensed land surveyor investigation committees to assist the board in the investigation of violations of the Land Surveyors' Act.

This bill would delete this provision and instead authorize the board to establish licensed land surveyor technical advisory committees to advise and assist the board with respect to applications for licensure, violations of the Land Surveyors' Act, and board rules and regulations.

Existing law provides that a registered civil engineer or a civil engineer exempt from registration is exempt from licensing under the Land Surveyors' Act and may engage in the practice of land surveying with the same rights and privileges and duties and responsibilities of a licensed land surveyor, provided that any civil engineer who becomes registered after January 1, 1982, shall pass the second division examination, as specified, before practicing land surveying.

This bill would require any civil engineer who becomes registered after January 1, 1982, to also obtain a land surveyor's license, and thus this bill would exempt from licensure under the Land Surveyors' Act only those civil engineers who became registered before January 1, 1982.

This bill would also (1) require the board to prepare and distribute a pamphlet describing the important laws in the board's rules and regulations regulating the practice of land surveying in this state, on which licensees eligible to take the second division of the examination for licensure as a land surveyor shall be tested; ~~(2) revise provisions relating to the credit as qualifying experience which the board may give to applicants for licensure as land surveyors for specified education or experience;~~ ~~(3) [(2)]*~~ require all maps, plats, reports, descriptions, or other documents issued by a licensed land surveyor or registered civil engineer to show the expiration date of his or her license, and, because a violation of this requirement would be a misdemeanor under existing law, the bill would impose a state-mandated local program by creating a new crime, ~~(4) [(3)]*~~ declare that use of the word "certify" or "certification" by a professional engineer, licensed land surveyor, or registered civil engineer in the practice of professional engineering, land surveying, or civil engineering constitutes a professional opinion and not a warranty or guarantee; ~~(5) [(4)]*~~ provide that quadrennial renewals of certificates of registration as a professional engineer, and certificates of authority, shall be staggered on a monthly rather than quarterly basis; ~~(6) [(5)]*~~ revise provisions relating to the practice of land surveying by a partnership, firm, or corporation of licensed land surveyors or registered civil engineers; ~~(7) [(6)]*~~ revise provisions relating to a recorder's certificate regarding the filing of [a]* record of survey; and ~~(8) [(7)]*~~ provide that, among specified others, each member of a professional engineers review committee or land surveyors review committee, or other board-appointed committee, and any board-appointed representative of the board, shall be granted the same immunity from liability as is granted to a public employee under specified provisions of the Government Code.

Existing law provides that a land surveying license which is not renewed within 5 years after its expiration may not be renewed, restored, reissued, or reinstated, unless specified conditions are met.

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This bill would, with respect to an application for renewal, restoration, reissuance, or reinstatement from a licensee who has been practicing with an expired or delinquent license, authorize the board to either deny the application, or approve the application and place conditions on the licensure. The bill would also provide that, once an expired or delinquent license is renewed, restored, reinstated, or reissued, provisions relating to board jurisdiction, the performance of lawful and valid work, and liability during the time the license was expired or delinquent shall apply. The bill would, in addition, authorize the board to adopt rules to provide an opportunity from January 1, 1987, to December 31, 1988, for current delinquent licensees to have their licenses renewed, restored, reinstated, or reissued. The board would be authorized to impose a special fee, including penalties, for renewal, restoration, reinstatement, or reissuance of those licenses.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 230 (AB 3185) Papan. STRS and PERS contracts: qualified investment personnel.

Existing provisions of the State Teachers' Retirement Law and the Public Employee's Retirement Law, which would remain in effect until January 1, 1989, and as of that date would be repealed, unless a later enacted statute deletes or extends that date, authorize the Teachers' Retirement Board and the Board of Administration, upon specified findings, and upon approval by the State Personnel Board, to contract with qualified investment personnel to render service in connection with each board's investment program.

The bill would delete the limitation upon the effectiveness of those provisions, thereby making those provisions effective indefinitely. This bill would also require the respective retirement boards to report annually on the nature, duration, and cost of investment contract services used.

Ch. 231 (AB 3379) Katz. Pharmacy

Existing federal law authorizes the sale of pharmaceutical products to nonprofit hospitals for their own use at prices lower than those charged to commercial pharmacies.

This bill would make it unlawful for any person to resell drugs acquired at preferentially low prices because of provisions of federal law, as specified, except (1) when for the person's own use, as defined, (2) when sold to another eligible purchaser, as specified, or (3) when sold to a walk-in customer pursuant to a prescription.

The bill would provide that a violation of the provision would constitute an act of unfair competition and provide a method of enforcement by civil action.

The bill would also specify that the Board of Pharmacy may enforce these provisions by all lawful means, as specified. The bill would authorize the board to audit persons for compliance with a specified provision, except for health care services plans which may only be audited by the Department of Corporations.

A violation of the Pharmacy Act constitutes a misdemeanor and thus this act would impose a state-mandated local program by adding new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 232 (SB 1844) McCorquodale. District director's compensation

(1) Under existing law, the district board of a county sanitation district may fix the amount of compensation per meeting to be paid each member of the board for services for each meeting attended by the member. Existing law provides that the compensation not exceed \$75 for each meeting or each day's service nor exceed \$300 in any one month. Existing law has different limitations on the maximum compensation of a member of a

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district board who also receives his or her principal source of income a salary for serving as a full-time elected official on the governing board of another local agency.

This bill would provide, instead, that compensation for attendance at a meeting or each day's service, not exceed \$100, not exceeding a total of 6 days in any calendar month. It would delete the different compensation limitations, as discussed above.

(2) Under existing law, the district board of a sanitary district may fix the amount of compensation per meeting or for each day's service of a board member in a similar manner as described for district boards of county sanitation districts in (1).

This bill would provide the same compensation limitations for these members as it would for a district board of a county sanitation district. It would also delete the different compensation limitations provided in existing law for certain elected officials.

Ch. 233 (SB 2403) Seymour Special education: instructional personnel.

(1) Existing law requires each school district, special education services region, and county office of education to ensure that all regular classroom teachers who provide services to individuals with exceptional needs receive the equivalent of at least one day of training each year relating to the needs of those individuals.

This bill would revise that provision by stating that it is the intent of the Legislature that each district, special education local plan area, and county office provide regular classroom teachers serving individuals with exceptional needs appropriate training each year relating to the needs of those individuals.

(2) Existing law requires each school district, special education services region, or county office of education to initiate and conduct meetings to develop, review, and revise the individualized program of each individual with exceptional needs. Each meeting is to be conducted by an individualized education program team. Existing law requires the team to meet each time a pupil has received a formal assessment.

This bill would require the team to meet only when the pupil has received an initial formal assessment and would authorize the team to meet when the pupil receives any subsequent formal assessment.

(3) Existing law requires each school district, special education service region, or county office of education to ensure that specified persons receive a copy of a pupil's individualized education program prior to the pupil's placement. Existing law also requires that copies of the individualized education program be provided in accordance with state and federal pupil record confidentiality laws.

This bill, instead, would require each district, special education local plan area, or county office to ensure that those specified persons be knowledgeable of the content of the individualized education program. The bill would impose a state-mandated local program by requiring that a copy of each individualized education program be maintained at each school site where the pupil is enrolled and by requiring that service providers from other agencies who provide instruction or a related service to the individual off the school site be provided a copy of the individualized education program. The bill also would require that all individualized education programs be maintained in accordance with state and federal pupil record confidentiality laws.

(4) Under existing law, when an individualized education program team finds that a pupil placed in a resource specialist program for more than one year has failed to show expected progress, the pupil shall receive a health and psychological evaluation as early as possible in the 2nd year. Existing law requires that the findings of the evaluation be interpreted for and considered by the individualized education program team in making their recommendations for the pupil.

This bill would delete those provisions.

(5) Existing law requires each county superintendent of schools to compute instructional personnel services amounts for each district and county office operating special education programs and services. Under existing law, for purposes of computing funding for aides other than those in classes for the severely handicapped, a full-time equivalent aide is equivalent to .85 times a full-time equivalent aide entitlement for those aides in the 1980-81 fiscal year.

This bill would increase the multiplier in that formula to .925.

(6) The California Constitution requires the state to reimburse local agencies and

school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 234 (AB 582) Elder. California State University peace officers' pension benefits.

Existing law includes within the Public Employees' Retirement System (PERS) those state employees who are peace officers or firefighters and provides them with a specified pension.

This bill would include within the system peace officers employed by any California State University police department and provide them with the same pension benefits currently provided to state employees in the system who are peace officers or firefighters. The provisions of the bill would implement a memorandum of understanding reached between the Board of Trustees of the California State University and the recognized employee organization pursuant to the Higher Education Employer-Employee Relations Act

The bill would appropriate \$10,000 from the Public Employees' Retirement Fund to the Board of Administration of PERS for implementing this pension program.

The bill would declare that it is to take effect immediately as an urgency statute; but it would not become operative earlier than July 1, 1986

Ch 235 (AB 1991) Elder. Public schools certificated employees' benefits.

(1) Existing law requires any school district, community college district, or county superintendent of schools which provides health and welfare benefits or dental care benefits for its certificated employees to permit enrollment therein by any former certificated employee who retired therefrom under any public retirement system and his or her spouse and by any surviving spouse of any former certificated employee who retired therefrom under any public retirement system. Districts and county superintendents of schools are authorized to develop an experience claims rating therefor, to require those persons, if appropriate, to pay different rates as a class, and to require those persons to pay all the related costs, as specified.

This bill would make that law also applicable to any surviving spouse of a former certificated employee thereof who, was, at the time of death, both employed thereby in a position requiring contributions to State Teachers' Retirement System (STRS) and a member of the STRS. The resulting costs of this requirement would constitute a state-reimbursable state-mandated local program cost.

(2) The existing State Teachers' Retirement Law does not require any spousal signatures on member applications.

This bill would require an application to the system for a refund of accumulated contributions, for an election, change, or cancellation of a preretirement option, for a service retirement allowance, or for a modification of a service retirement allowance to contain the spouse's signature, unless specified conditions are met. This bill would also appropriate \$19,500 from the Teachers' Retirement Fund to STRS for these purposes in the 1986-87 fiscal year.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 236 (AB 2583) Roos. Health insurance.

This bill would require the Department of Insurance to conduct a study of the feasibility of insurance policies offering coverage for services provided by a home health agency regardless of prior confinement in a hospital or nursing facility, and in-home supportive

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services, as specified. The department would be required to consult with other state agencies and to report to the Legislature on or before June 30, 1987.

The bill would appropriate \$100,000 from the Insurance Fund for that purpose.

Ch. 237 (AB 2790) Statham. Cattle brand inspection.

Existing law requires that cattle be inspected prior to transportation out of this state

This bill would authorize the Chief of the Bureau of Livestock Identification in the Department of Food and Agriculture to issue an annual permit to allow cattle to be transported out of this state without brand inspection under specified circumstances. The bill would authorize the department to charge a fee not to exceed \$100 for this permit. The fee would be deposited in the Department of Food and Agriculture Fund and would be continuously appropriated to the department, thereby making an appropriation.

Ch. 238 (AB 2798) Costa. Commercial fishing.

(1) Under existing law, no salmon may be taken aboard or landed from any vessel for commercial purposes unless a commercial salmon vessel permit has been issued, as specified for the vessel. Violation of these provisions are misdemeanors. The fees for these permits are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund. The provisions of law relating to the commercial salmon vessel permits terminate on January 1, 1987.

This bill would extend the provisions of law relating to commercial salmon vessel permits to January 1, 1989. The bill would, thereby, impose a state-mandated local program by defining a crime in that extended period and would also make an appropriation by increasing revenue to the continuously appropriated fund in the extended period.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 239 (AB 3818) Costa. Housing.

(1) The existing Zenovich-Moscone-Chacon Housing and Home Finance Act requires that the sale of any real property acquired in a specified manner by the Department of Housing and Community Development be conducted by the Department of General Services.

This bill would, in addition, permit the Department of Housing and Community Development, under specified conditions, to conduct the sale of the property, utilize the assistance of a local public agency authorized to conduct sales of real property, or contract with a licensed real estate broker to conduct the sale.

(2) Under existing law, the Farmworker Housing Grant Fund is continuously appropriated for various purposes related to housing for farmworkers.

In counties in which a disaster has been declared by the Governor and for 12 months thereafter, this bill would permit the department to make additional grants from that fund. The expansion of the purposes for which loans may be made from a continuously appropriated fund constitutes an appropriation.

(3) Existing law provides for an Urban Predevelopment Loan Fund in the State Treasury, continuously appropriates the money in the fund to the Department of Housing and Community Development, and authorizes the department to make predevelopment loans or land purchase loans from the fund to eligible sponsors, as defined.

Existing law prohibits the department from committing more than 30% of the total moneys in the fund for land purchase loans or more than 85% of the total moneys in the fund for predevelopment loans.

This bill would delete the limitation restricting the department from committing more than 85% of the moneys in the fund for predevelopment loans. The deletion of this restriction on the use of moneys in the fund would expand the purposes for which moneys in the fund may be utilized and would, therefore, constitute an appropriation.

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- (4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 240 (SB 1244) Stiern. Veterinarians: citations and civil penalties.

(1) Existing law provides for the licensure and regulation of veterinarians by the Board of Examiners in Veterinary Medicine. Under existing law, the board may deny, revoke, or suspend a license or assess a fine on the basis of specified grounds

This bill would establish a procedure for the issuance of a civil citation to a licensed or unlicensed person if there is probable cause to believe that the person has violated provisions of the law regarding the practice of veterinary medicine. The procedure would include a review by the board and a hearing by the board and an administrative law judge on the staff of the Office of Administrative Hearings. The bill would provide that each civil citation may contain an order of abatement and an assessment of a civil penalty, which civil penalty would be required to be deposited in the Board of Examiners in Veterinary Medicine Contingent Fund. The bill would also provide that if an alleged violation is resolved by payment of the assessed civil penalty, or by an agreement to comply with the order of abatement, at or before a specified time, the civil citation and any records relating thereto would be confidential and not subject to public disclosure.

(2) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Board of Examiners in Veterinary Medicine Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 241 (SB 1485) Foran. Highways county: road commissioners

Under existing law, the board of supervisors for each county is required to appoint a road commissioner for all road districts in the county, according to specified procedures. If there is a vacancy in the position of road commissioner, the Controller is required to suspend allocations from the Highway Users Tax Account in the State Transportation Fund to that county if the vacancy has not been filled within 120 days from the date the vacancy first occurred.

This bill would extend the period to fill a vacancy for road commissioner to 180 days.

Ch 242 (SB 1490) Deddeh. Volunteer firefighters' award system: prior service credit voter approval

The Volunteer Firefighters Length of Service Award Act (VFLSAA) authorizes local agencies to approve VFLSAA contracts and contract amendments by an ordinance adopted by the affirmative vote of the electorate (with the electorate being informed of the projected program costs and the financing method) or, if authorized to act by resolution, by a resolution, except that any portion of a contract offering certified prior service credit, as specified, is required to be approved by a majority of the electorate.

This bill would delete the exception which requires voter approval of resolutions providing prior service credit.

This bill would also require, in cases of approval by either an affirmative vote of the electorate or a resolution, the Board of Administration of the Public Employees' Retirement System to inform the governing body of the projected program or change-of-program costs and the financing method. This bill would also require the governing body to certify to the Board of Administration that the governing body has fully informed the electorate of the program or change-of-program costs and the financing method.

Ch. 243 (SB 1909) Rosenthal. Conservatorship petition: names of relatives.

Under existing law, a petition for appointment of a conservator is required to set forth, among other things, the names and addresses of the spouse of the proposed conservatee and those relatives of the proposed conservatee in the second degree, insofar as known by the petitioner.

This bill would require the petition to set forth the names and addresses of persons having specified relation to the proposed conservatee and that are known to the petitioner, if no spouse or relatives in the second degree are known to the petitioner.

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Ch. 244 (SB 1961) Watson. Civil rights: freedom from violence: damages.

Existing law provides that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their person or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. Existing law provides that whoever denies this right is liable for actual damages suffered by any person denied the right, plus a \$10,000 civil penalty.

This bill would provide that whoever denies this right shall also be liable for (1) an amount to be determined by a jury, or a court sitting without a jury, up to a maximum of 3 times the amount of actual damages; and (2) attorney fees as may be determined by the court

This bill would also include a provision which indicates that any person claiming to be aggrieved by an alleged unlawful practice in violation of specified civil rights provisions may file a verified complaint with the Department of Fair Employment and Housing

Ch. 245 (SB 2373) Maddy. Reclamation board: designated floodways.

Under existing law, the reclamation board is vested with management and control of the Sacramento and San Joaquin Drainage District and exercises various specific and general powers relating to flood control within the district

This bill would specifically authorize the board to designate floodways throughout the Sacramento and San Joaquin Rivers drainage for specified purposes. The bill would define the term "Sacramento and San Joaquin Rivers drainage" for purposes of provisions generally governing the board. The bill would provide that it is declaratory of existing law

Ch. 246 (SB 2345) Lockyer. Service of process.

Existing law provides that when a written notice of motion is necessary, it shall be given at least 15 days before the hearing. However, if the notice of motion is served by mail, the 15-day period is increased by a specified number of days, depending upon where the place of address is located. Existing law also requires that all papers opposing a motion so noticed shall be filed with the court and served on each party at least 5 days before the time appointed for the hearing

This bill would require that all papers opposing a motion shall be filed with the court and served on each party at least 5 court days before the time appointed for the hearing.

Ch. 247 (SB 2349) Lockyer. Malpractice

Existing law, with specified exceptions, requires the attorney for a plaintiff in any action for damages arising out of the professional negligence of certain medical practitioners to file a certificate declaring that the attorney has reviewed the facts of the case and consulted with at least one licensed medical practitioner who the attorney believes is knowledgeable in the relevant issues involved in the particular action, and that the attorney has concluded that there is reasonable and meritorious cause for the filing of that action. Existing law provides that these provisions shall remain in effect until January 1, 1987, and as of that date are repealed.

This bill would extend the January 1, 1987, termination date for these provisions to January 1, 1989.

Ch. 248 (SB 2451) Lockyer. Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify those statutes which are enacted from time to time subsequent to the enactment of the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1986 and would not make any substantive change in the law.

Ch. 249 (AB 606) Davis. The Davis-Grisham Missing Children Act of 1986.

NOTE: Superior numbers appear as a separate section at the end of the digests

Various provisions of existing law deal with missing children, including, among other things, the immediate release of dental records, the submission of reports, and an emergency telephone referral project for missing children

This bill would enact the Davis-Grisham Missing Children Act of 1986.

This bill would require the posting of information regarding missing children in public primary and secondary schools, as specified. This requirement would establish a state-mandated local program. It also would require the posting of information regarding missing children in public areas of state-owned or leased buildings, as specified.

This bill also would urge, when a pupil initially enters school or transfers from one school to another, as specified, that the principal check to see if that pupil resembles one listed as missing by certain bulletins

Under existing law, kidnapping is punishable by 3, 5, or 8 years in a state prison, and, in cases in which the act was committed for the purpose of committing certain sexual offenses, by an additional term of 3 years

The bill would increase the criminal penalty for kidnapping in certain cases by providing that individuals who kidnap persons under 14 years of age shall be punished by imprisonment in the state prison for 5, 8, or 11 years, except as specified. The additional term in the case of kidnapping for the purpose of committing certain sexual offenses would be increased to 9 years in cases in which the victim was under 14 years of age, except as specified.

This bill would require the Department of Justice to compile a missing children registry and to distribute a missing children bulletin on a quarterly basis to local law enforcement agencies throughout the state.

The bill would require the State Board of Control to establish a claim and reward procedure for persons providing information leading to the location of missing children listed in the registry. The Department of Justice would be required to make recommendations for awards not exceeding \$500 per person if nonstate funds have also been offered as a reward. The bill would create and appropriate the Missing Children Reward Fund to make the awards.

The bill would require the Department of Justice to operate a statewide toll-free hotline to give and relay information on missing children. The department would be required to provide local reporting agencies with a list of persons listed as missing who are under 18 years of age on the effective date of the bill. The department would also be required to produce posters with photographs and information regarding missing children and make these available.

This bill would authorize the Department of Justice to employ additional employees, as required, to implement the provisions of the bill

The bill would declare legislative intent and also urge various persons and entities to take certain actions.

The bill would appropriate the sum of \$179,000 from the General Fund for the purposes of the bill and \$24,000 from the Victim-Witness Assistance Fund to the Missing Children Reward Fund

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

The bill would take effect immediately as an urgency statute

Ch. 250 (SB 547) Alquist Seismic safety.

(1) Under existing law, the Seismic Safety Commission is charged with the duty of establishing programs for earthquake prediction and earthquake hazard mitigation and is required to prepare the California Earthquake Hazard Reduction Program in consultation with specified agencies and groups

This bill would require the commission to initiate a program of identifying potentially

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hazardous buildings, as defined, by requiring local building departments of cities and counties by January 1, 1990, to identify all those buildings within their jurisdiction, to establish a mitigation program, as specified, and to report to the commission. The bill would authorize local building departments to establish a schedule of fees to recover the costs of identifying potentially hazardous buildings and carrying out other requirements of the bill. The bill would require the commission to prepare an advisory report for local jurisdictions containing criteria and procedures, as specified, by September 1, 1987. The duties imposed on local governmental entities by this bill would be state-mandated local programs, except as specified.

The bill would appropriate \$150,000 to the commission for preparation of the advisory report.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 251 (SB 2063) Beverly. Personal property brokers and consumer finance lenders: loan repayment schedules.

Existing law, with certain exceptions, specifies the maximum duration for which repayment of principal may be scheduled with respect to loans under \$10,000 made by personal property brokers and consumer finance lenders.

This bill would revise the repayment schedules and make these limitations inapplicable to loans of \$5,000 or more

Ch. 252 (AB 3091) Sher. Schools: toxic art supplies.

Existing law prohibits the purchase of toxic art supplies, as defined, for use in kindergarten and grades 1 to 6, inclusive, and restricts their purchase for use in grades 7 to 12, inclusive. These provisions do not apply to private schools.

This bill would make these provisions applicable to private schools as well as public schools.

Existing law requires the Department of Health Services to develop lists of toxic art or craft materials, as specified

This bill would require periodic updating of those lists. This bill would require manufacturers of art and craft materials, as specified, to provide information required by the Department of Health Services

The bill would become operative June 1, 1987.

Ch. 253 (AB 213) Condit. Education on the use of anabolic steroids.³

Existing law does not require instruction in schools on the effects of the use of anabolic steroids

This bill would state the legislative intention that schools be encouraged to include in instruction in grades 7 to 12, inclusive, in science, health, drug abuse, or physical education programs a lesson on the effects of the use of anabolic steroids.

This bill also would require the Superintendent of Public Instruction to develop a steroid education package, as specified, to be distributed directly to school districts

This bill would appropriate \$68,490 for the 1986-87 school year to the Superintendent of Public Instruction to carry out the provisions of this bill.

Ch. 254 (SB 1083) Boatwright Sales and use tax: exemptions.

The existing California Sales and Use Tax Law exempts from the tax imposed by that law, among other things, (1) the gross receipts from the sale of and the storage, use, or other consumption in this state of organic products grown expressly for fuel purposes and certain waste byproducts used in an industrial facility as a fuel source, and (2) the use of still gas produced in the refining process from purchased crude oil. This exemption will expire on December 31, 1986. Existing law also requires the Legislative Analyst to report to the Legislature concerning the economic impact of this exemption.

This bill would make the exemption permanent and would repeal the reporting

requirement.

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse any local agency for any sales and use tax revenues lost by it under the bill.

Ch. 255 (AB 2698) O'Connell. Water conservation district reports.

Under existing law, water conservation districts are required to annually prepare an engineering investigation and report upon groundwater conditions of the district. The report is required to be delivered to the district secretary on the 2nd Tuesday in March, and a public hearing on the report is required to be held on the 2nd Tuesday of April.

This bill would instead require the report to be delivered on or before the day of the regular meeting of the board in March and would require the public hearing to be held in April not sooner than 30 days after receipt of the report.

Ch. 256 (AB 2743) Lancaster. Vehicle safety

(1) Under existing law, a pedestrian facing a steady yellow traffic light or arrow is, by that signal, warned that there is insufficient time to cross the roadway, as specified.

This bill would impose a state-mandated local program by making it an infraction for a pedestrian facing a steady yellow traffic light or arrow to cross the roadway.

(2) Under existing law, turn signal lamps on a vehicle may be flashed as warning lights when the vehicle is disabled upon the roadway or parked off, but within 10 feet of, the roadway.

This bill would require the turn signals to be flashed as warning lights whenever a vehicle is disabled upon the roadway and the vehicle is equipped with a device to automatically activate the turn signals, if the device and the turn signal lamps were not rendered inoperative by the event that caused the vehicle to be disabled.

This bill would impose a state-mandated local program by creating new crimes, since a violation of the requirement would be an infraction.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 257 (AB 2938) Kelley. Search warrants.

Existing law prescribes the requirements for the issuance and service of search warrants. Under existing law, upon a showing of good cause, a magistrate may, in his or her discretion, insert a direction in a search warrant that it may be served at any time of day or night. Existing law specifies that in the absence of such a direction, the warrant shall be served only between the hours of 7 a.m. and 10 p.m.

This bill would require that in establishing "good cause" for purposes of issuing a search warrant under these provisions, the magistrate shall consider the safety of peace officers serving the warrant and the safety of the public as a valid basis for nighttime endorsements.

Ch. 258 (AB 3053) Frizzelle. Medi-Cal covered services.

Existing law provides for the Medi-Cal program, pursuant to which public assistance recipients and other low-income persons receive medical benefits.

Existing law provides for inpatient intensive rehabilitation services for the physically or cognitively impaired stroke patient for whom the medical prognosis and signs indicate potential for faster or more complete recovery, or maintenance or prevention of degeneration, in a variety of situations, including acute inpatient intensive rehabilitation immediately after the occurrence of stroke, inpatient maintenance for the chronically

impaired in a hospital or long-term care facility, outpatient services in a rehabilitation clinic or an adult day health care center, and in-home care or home health agency services for the stroke patient at home.

This bill would include within the scope of those Medi-Cal covered services those same services for patients who have a brain injury, as defined.

Ch. 259 (AB 3108) Bader. San Bernardino County flood control: contracts.

Under existing law, all contracts of the San Bernardino County Flood Control District for any improvement or unit or work estimated to cost in excess of \$25,000 are required to be let to the lowest responsible bidder in accordance with prescribed procedures, but specified work may be done by force account and specified emergency work may be done by negotiated contract without advertising for bids.

This bill would permit the board of supervisors to authorize the flood control engineer to execute changes for any contract not to exceed specified amounts, and in no event to exceed a net additional total of \$25,000.

Ch. 260 (AB 3121) Katz. Surface impoundments hydrogeological assessment reports.

(1) Under existing law, the Toxic Pits Cleanup Act of 1984 requires that a person discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment file with the California regional water quality control board a hydrogeological assessment report, when notified by the regional board, except as specified. The report is required to contain, among other things, documentation concerning a facility's monitoring system, including substantiation that the water samples are transported and handled in accordance with certain regulations adopted by the United States Geological Service.

This bill would instead require that it be substantiated in the report that the water samples are transported and handled in accordance with the United States Geological Survey's "National Handbook of Recommended Methods for Water-Data Acquisition."

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating a new crime concerning the information required to be included in a hydrogeological assessment report.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 261 (AB 3141) N Waters. Mining claims: property taxation.

Under existing law, the county board of supervisors is authorized to require, by resolution, that any person filing the affidavit of labor required on a mining claim demonstrate proof of payment of an unsecured tax levied against the mining claim on which the affidavit is filed, prior to its recordation.

This bill would expressly permit the resolution to include a provision that, when taxes are paid, the tax collector issue a receipt or certificate of payment for use in certification of the affidavit.

Ch. 262 (AB 3143) N Waters. Destructive devices: antique cannons.

Existing law makes it a misdemeanor or a felony to possess various items defined as destructive devices including any weapon, other than a shotgun or shotgun ammunition, of a caliber greater than .60 caliber which fires fixed ammunition or any other ammunition.

This bill would specifically exempt from the definition of destructive devices an antique cannon and would define an antique cannon to mean any cannon manufactured before January 1, 1899, which has been rendered incapable of firing or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

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Ch. 263 (SB 629) Robbins. Pet cemeteries.

Existing law permits an owner of property to dedicate the property to pet cemetery purposes by a recorded dedication, and requires that property dedicated to pet cemetery purposes be held and used exclusively for pet cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court, as specified.

This bill would require the dedication to be recorded with the county recorder of the county in which the property is situated

Ch. 264 (SB 1545) Lockyer. Crimes.

(1) Existing law provides that every person who has previously been convicted of soliciting or engaging in any act of prostitution shall, upon specified findings, be imprisoned in the county jail for not less than 45 days or if the person has 2 or more convictions for the above offense, the person shall, upon specified findings, be imprisoned in the county jail for not less than 90 days. In neither case may the court grant probation or suspend execution of the sentence imposed upon the defendant.

The bill would provide that the court shall not grant probation in lieu of imposing the minimum sentence in these cases.

(2) Existing law provides that every person who annoys or molests any child under the age of 18 is a vagrant and is punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail for not exceeding 6 months or in certain cases by imprisonment in state prison, as specified, or by both such fine and imprisonment.

This bill would change the term of imprisonment in the county jail to a period not exceeding one year, thereby imposing a state-mandated local program

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 265 (AB 400) Condit. Cattle fees

(1) Under the California Beef Council Law, a \$1 per head fee on cattle and calves is charged and collected from the seller or from the seller's account and paid to the Director of Food and Agriculture for purposes of the administration of that law. All collected money is deposited in a bank or other depository, as specified, and may be expended by the director or the council for expenses incurred in carrying out the law

This bill would do all of the following:

(a) Specify that performing research relating to the nutritional qualities of beef and public consumption patterns and trends is one of the purposes of the Beef Council Law.

(b) Recast the provisions whereby the \$1 per head fee is collected from the seller to support the council, including requiring the seller to pay the fee directly to the director on or before the 15th day of the month next succeeding the month in which the sale occurs. Since violation of that requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(c) Make a person who fails to pay, collect, or remit fees within the time specified in the Beef Council Law liable for administrative costs incurred by the Department of Food and Agriculture in enforcing the law, as specified. The person would also be liable for other related costs, including a 2% per month penalty on unpaid fees. By providing for additional funds for expenditure for purposes of the Beef Council Law, the bill would make an appropriation.

(d) Authorize the Attorney General to petition a court for an injunction to mandate compliance with the Beef Council Law.

(e) Provide that the \$1 per head fee shall not be collected on the sale of cattle or calves that originated from out-of-state and for which a federal assessment was collected in the state of origin.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

NOTE: Superior numbers appear as a separate section at the end of the digests

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 266 (AB 309) Vasconcellos. Payment of claims.

This bill would appropriate \$4,925,332.20, as scheduled, to the Secretary of the State Board of Control for the payment of claims against the State of California.

This bill would take effect immediately as an urgency statute.

Ch. 267 (AB 2616) Sebastian. Elderly persons: abuse

Existing law prescribes the qualifications for licensure as a physician and surgeon and requires each licensee to complete continuing education requirements as a condition of the renewal of a license

This bill would require the Division of Licensing of the Board of Medical Quality Assurance to consider including in those continuing education requirements a course in elder abuse detection and treatment for those licensees who are likely to come into contact with persons 65 and older in their practice.

The bill would require the board to periodically develop and disseminate information relating to the detection and treatment of elder abuse and neglect to each physician and surgeon and to each general acute care hospital in this state

Ch. 268 (AB 2933) Tucker. Earthquakes seismic gas shutoff valves.

Existing law authorizes any city, county, or city and county to enact an ordinance requiring the installation of earthquake-sensitive gas shutoff valves in buildings which are open to the public. The State Architect was required, on or before July 1, 1981, to adopt standards governing earthquake-sensitive gas shutoff valves. Manufacturers of valves or other devices governing local ordinances are required to first obtain certification that the device meets the standards adopted by the State Architect prior to offering the device for sale in this state

This bill would require the State Architect to certify seismic gas shutoff valves which, as determined by the State Architect meet certain prescribed requirements. The bill would provide that any new seismic gas shutoff valve sold on or after January 1, 1987, shall be certified by the State Architect

The bill would specify that it applies only to the service connections of individual structures and appliances to gas lines, as specified

The bill would also impose a state-mandated local program since any violation of its provisions would be made a misdemeanor by an existing provision of law

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 269 (AB 3069) Bronzan. County librarians: minimum qualifications.

Existing law requires, as a condition of eligibility, that a county librarian be in receipt of a certificate of qualification for the office from the board of library examiners, an entity that no longer exists under state law

This bill would, instead, require, as a condition of appointment on or after January 1, 1987, each person serving in the position of county librarian to have graduated from an accredited graduate library school program and to be knowledgeable in public administration and the laws applicable to library services in this state.

Existing law authorizes the board of library examiners to waive the qualification requirements, as specified, when a board of supervisors is unable to find qualified candidates for the position of county librarian

This bill would assign that authority, instead, to the State Librarian, who has general supervisory responsibilities over the county free libraries under existing law.

This bill would also repeal the exemption from the qualification requirements that currently applies to the present appointment or reappointment of any persons serving

in the capacity of county librarian on September 11, 1957.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by requiring boards of supervisors to require specified qualifications in appointing county librarians.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 270 (AB 3146) N. Waters. Cemeteries.

Existing law provides a system for the regulation of cemeteries and includes a requirement that an endowment care cemetery have specified monetary amounts deposited in its endowment care fund for each kind of plot sold.

This bill would increase these amounts.

Ch. 271 (AB 3206) Johnston. Real property effect of judgments.

(1) Existing law provides for release or subordination of a judgment lien on real property by the execution of a prescribed release or subordination by the judgment creditor.

This bill would require such a release to contain a prescribed statement, in lieu of a property description, if the release is to be effective as to all property in the county where the lien is recorded, or if the judgment debtor has no known interest in real property in that county. The bill would also expressly provide for release or subordination of a judgment lien as to some but not all of the judgment debtors.

(2) Under existing state law, an action to quiet title to property cannot effect the interests of the United States.

This bill would make an exception where the United States is joined in the action and federal law permits the judgment to affect its interests.

Ch. 272 (AB 3303) N Waters. Local transportation funds

Under the Mills-Alquist-Deddeh Act, counties with a population of less than 500,000, as determined by the 1970 federal decennial census, and counties with more than 4,500 miles of maintained county roads as of 1970, and cities in those counties, may file claims for local transportation funds for local street and road purposes.

This bill would authorize the County of Tuolumne and cities within that county to also file claims under the act for contributions to the state for the construction of a specified portion of State Highway Route 108 if the county transportation commission makes a specified determination.

The bill would make a legislative declaration regarding the necessity for a special act.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 273 (AB 3319) Mojonner. Criminal procedure: child witness.

Existing law provides that in any criminal proceeding in which the defendant is charged with committing specified crimes involving a minor under the age of 11, the court shall take special precautions to lessen the trauma of the trial process for child witnesses who are under 11 years of age, including, but not limited to, that of allowing reasonable periods of relief from examination and cross-examination during which the child may retire from the courtroom.

This bill additionally would authorize the judge to allow other witnesses in the proceeding to be examined when the child witness retires from the courtroom.

Ch. 274 (AB 3360) Papan. Insurance: comprehensive preventive health care for children

Existing law requires health care service plans, disability insurance policies, and non-profit hospital service plans to offer coverage for the comprehensive preventive care of

children.

This bill would additionally require self-insured employee welfare benefit plans to offer coverage for the comprehensive preventive care of children. It would, with respect to the aforementioned policies and plans, require those benefits to be consistent with specified guidelines and to provide for physician services for routine physical examinations, immunizations, and laboratory services in connection with routine physical examinations.

Ch. 275 (AB 3372) Hill. Quarter horse racing: premiums.

Under existing law, associations conducting quarter horse meetings are authorized to deduct from the total amount handled in daily double, quiniela, exacta, and other multiple wagering pools up to 3% to be distributed as additional commissions and purses to the association and to the horsemen. Of the 3%, a sum equal to 25% is required to be held by the association to be paid as owners' premiums for California breeds. This sum is distributed by an organization representing quarter horse owners as designated by the California Horse Racing Board. The organization is authorized to make a deduction for expenses not to exceed 5% of the total awards fund.

This bill would increase the maximum allowable deduction to 10%.

Ch. 276 (AB 3422) Eaves. County service areas: parks and recreation.

Existing law provides that a county may levy and collect taxes for local park, recreation, or parkway facilities established and maintained within a county service area. Existing law also permits a county to fix and collect charges for specific services provided in county service areas.

This bill would provide, with respect to park, recreation or parkway facilities, that a county may fix and collect charges to pay for the cost of services provided in any county service area or zone and would provide for the procedures for adopting and collecting those charges.

Ch. 277 (AB 3462) M Waters. Juvenile court law.

Existing law requires, except as specified, the juvenile court to order the destruction of a person's sealed juvenile court record 5 years after the record was ordered sealed if the person was alleged or adjudged to come within the jurisdiction of the juvenile court on the basis of noncriminal conduct, or when the person reaches the age of 38 years, if the person was alleged or adjudged to come within the jurisdiction of the juvenile court on the basis of criminal conduct. It requires any other agency in possession of the sealed records to destroy its records in accordance with the above provisions.

This bill would instead make the destruction of the sealed records by other agencies permissive.

Ch. 278 (AB 3633) Bradley. Resource conservation districts: appointment of directors.

Existing law authorizes the board of directors of a resource conservation district, as an alternative to the election of individual directors, to request the board of supervisors of the principal county to appoint any directors, except those first elected. Under that alternative, the board of directors is required to file its request for appointment no later than the final filing date for candidates. The board of supervisors is required to make the requested appointments from candidates who have filed for the election.

This bill would revise that alternative to instead require that the board of directors, in any election year, file its request with the board of supervisors for appointment of directors no later than 125 days prior to the election and furnish a copy of the request to the official responsible for conducting the election. The bill would require the board of supervisors of the principal county to consult with the board of supervisors of any other county which contains any part of the district before it makes appointments. The board of supervisors would be required to make the requested appointments from candidates filing applications, as specified.

Ch. 279 (AB 3643) Stirling. Grand juries. investigations

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Existing law authorizes a grand jury to investigate the operations of various public entities in the county, including redevelopment agencies, as specified.

This bill would authorize a grand jury to examine the operations of any nonprofit corporation established by or operated on behalf of such a public entity, the books and records of a joint powers agency, and the operations of a housing authority, as defined

Ch. 280 (AB 3682) Lancaster. Consumer credit contracts: open-end credit

Existing law provides that, unless persons are married to each other, each creditor who obtains a signature of more than one person on a consumer credit contract shall deliver to each person who does not receive any of the money, property, or services which are the subject matter of the consumer credit contract, prior to that person becoming obligated on the contract, a notice in English and Spanish, as specified. These provisions are inapplicable to a creditor offering or extending open-end credit, if specified conditions are met, including a requirement that, after credit approval, the creditor issue and deliver a credit device to the applicant for credit.

This bill would specify that the requirement regarding the issuance and delivery of a credit device to a credit applicant shall not apply to a creditor who ~~either~~* does not issue a credit device ~~or does not require the use of a credit device~~* in order to obtain credit under the creditor's open-end credit plan. The bill would ~~delay the date on which a creditor must comply with specified notice requirements from April 1, 1986, to~~ [amend a provision of existing law by providing that certain notice and disclosure requirements do not apply until]* January 1, 1987 [, rather than after April 1, 1986, and September 30, 1986]*

The bill would also make other corrective, conforming, and clarifying changes, and would declare that certain of its provisions do not constitute a change in, but are declaratory of, existing law

Ch. 281 (AB 3781) Stirling Civil procedure

Existing law provides, with respect to a verified complaint in a civil action, that if the cause of action is a claim assigned to a 3rd party for collection, the denial of the allegations in the complaint is not required to be made positively or according to the information and belief of the defendant

This bill would revise those provisions to require that the denial of the allegations in any verified complaint involving the above cause of action be made positively or according to the information and belief of the defendant

Ch. 282 (AB 3881) Hill. Fish and Game Commission meetings

Existing law requires the Fish and Game Commission to hold 8 meetings a year relating to proposed regulations regarding various types of fish and game. One meeting is to be held in March and one in April to determine regulations relating to mammals

This bill would change the March meeting to February. The bill would make other conforming changes

Ch. 283 (AB 3950) McAlister. Unemployment insurance: subsequent litigation

Existing law provides for the resolution of unemployment insurance proceedings in hearings before administrative law judges.

This bill would provide that any finding of fact or law, judgment, conclusion, or final order made by a hearing officer, administrative law judge, or any person with the authority to make findings of fact or law in any action or proceeding before the Unemployment Insurance Appeals Board, shall not be conclusive or binding in any separate or subsequent action or proceeding, and shall not be used as evidence in any separate or subsequent action or proceeding, between an individual and his or her present or prior employer brought before an arbitrator, court, or judge of this state or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts

Ch. 284 (AB 3979) Costa. Public Utilities Commission construction project board of consultants.

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Under existing law, the Public Utilities Commission is directed to appoint a construction project board of consultants to assist the commission's evaluations and determinations when certification for the construction of certain large electric or gas plant projects is requested. Existing law requires that no member of the board of consultants receive any compensation from any corporation or person with a financial interest in the project.

This bill would instead require that no member receive any significant amount of his or her annual compensation for consulting services in his or her area of expertise from any corporation or person with a financial interest in the project, and would require the commission to determine what constitutes a significant amount of annual compensation for these purposes.

The bill would provide that a person appointed by the Federal Energy Regulatory Commission to a board of consultants for the construction of a hydroelectric facility or related transmission line who receives compensation from an electrical corporation constructing that facility as a member of that board is not disqualified from appointment to a construction project board of consultants by the Public Utilities Commission.

Ch 285 (AB 4214) Filante. Advertising. smokeless tobacco.

There are various provisions of existing law which make certain acts involving tobacco illegal.

This bill would prohibit any person to offer as part of an advertising plan or program, promotional offers of smokeless tobacco products which require proof of purchase of a smokeless tobacco product unless the offer carries a designation that it is not available to minors. This bill would require these offers to include in any mail-in coupon a statement requesting purchasers to verify that the purchaser is 18 years of age or older.

This bill would prohibit any person from honoring mail-in and telephone requests for promotional offers of smokeless tobacco products unless appropriate efforts are made to ascertain whether the purchaser is over 18 years of age, including, but not limited to, requests for a purchaser's birth date.

This bill would prohibit any person by any means, as part of an advertising plan or program, to distribute free samples of smokeless tobacco products within a 2 block radius of certain premises or facilities whose primary purpose is directed toward persons under the age of 18 years, when those premises are being used for their primary purposes.

This bill would prohibit any person to distribute, as part of any advertising plan or program, unsolicited samples of smokeless tobacco products through a mail campaign.

Ch. 286 (AB 4281) Leonard. Mojave Water Agency. directors.

Under existing law, the Board of Directors of the Mojave Water Agency consists of 7 directors, elected one from each of 7 divisions within the agency.

This bill would permit city officers, whether elected or appointed, to be elected to, and serve contemporaneously as a member of, the board of directors of the agency.

Ch. 287 (AB 4282) Wyman. Judicial arbitration.

Existing law provides that municipal courts, and certain superior courts, may provide for judicial arbitration by local rule of court. Other provisions require a conference of all parties subject to mandatory judicial arbitration.

This bill would specify that local rules of a superior court providing for judicial arbitration may not dispense with the conference requirement.

Ch 288 (SB 1020) Doolittle. Courts.

(1) Existing law provides for a constable in each judicial district in which a justice court is established. In proceedings in the justice court, the constable has all the powers and duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Existing law, applicable only to counties of the 34th, 43rd, 51st, and 54th classes, permits the board of supervisors by ordinance to abolish the office of constable and transfer the duties of the constable to the sheriff of the county.

This bill would extend this latter authority to any county with a population of 200,000 or less according to the 1970 federal census, authorize the duties of the constable to be

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transferred to either the sheriff or the marshal, and require the concurrence of a majority of the judges affected; provided, that if the constable holds an elective office, such an ordinance shall become effective only upon the approval of the electors of the county; and further provided, that no member of the office of the constable shall lose salary, rank, or benefits, and that sworn personnel shall be exempt from meeting Peace Officer Standards and Training requirements.

(2) Existing law provides that certain small counties responsible for the cost of homicide trials may apply to the Controller for reimbursement, as specified, and states the intent of the Legislature that this reimbursement shall be available only for costs incurred involving activities undertaken following the filing, in superior court, of an indictment.

This bill would amend the latter provision to refer, instead, to costs incurred involving activities undertaken following the filing, in superior court of an information or an indictment. The bill would also declare that this change is declaratory of existing law.

Ch 289 (SB 1053) Lockyer Alcoholic beverages.

Existing law provides that no person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage shall be civilly liable to any person injured as a result of the intoxication by the consumer of the alcoholic beverage. Existing law does provide that a cause of action may be brought by or on behalf of an injured person against a person licensed pursuant to the Alcoholic Beverage Control Act who has sold, furnished, or given away, any alcoholic beverage to an obviously intoxicated minor where the furnishing, sale or giving of the alcoholic beverage is the proximate cause of the injury to another person.

This bill would extend the bringing of the cause of action to any person required to be licensed pursuant to the Alcoholic Beverage Control Act, to any person authorized by the federal government to sell alcoholic beverages on a military base or other federal enclave, and to any other person who sells, or causes to be sold, any alcoholic beverage to an obviously intoxicated minor.

Ch. 290 (SB 1373) Keene. Correctional officer salaries.

Existing law requires the Department of Personnel Administration to establish salary ranges for state civil service.

This bill would require the Department of Personnel Administration, with respect to correctional peace officers of the Department of Corrections and the Department of the Youth Authority, to take into account the salaries and benefits of other large employers of peace officers.

Ch 291 (SB 1579) Royce Subdivisions: park dedication.

Existing provisions of the Subdivision Map Act permit the legislative body of a city or county to require the dedication of land, the payment of fees, or both, for neighborhood park or recreational purposes as a condition to approval of a subdivision map. However, only the payment of fees may be required in subdivisions containing 50 parcels or less.

This bill would provide that dedication of land may be required when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units notwithstanding that the number of parcels may be less than 50.

Ch. 292 (SB 1838) Dills Alcoholic beverages tied-house restrictions

Existing law, known as tied-house restrictions, prohibits a manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any of those persons from having specified relationships with an on-sale alcoholic beverage licensee, with limited exceptions.

Existing law authorizes, as an exception to those tied-house restrictions, the issuance of any retail on-sale or off-sale license to any person with respect to the operation of a hotel or motel, as defined, notwithstanding that a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler holds the ownership of any interest in the premises or in the retail licensee,

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provided specified conditions are met.

This bill would provide that the above exception extends to having an interest in the retail license, and would specifically provide that the interest does not violate certain enumerated tied-house restrictions.

Ch. 293 (SB 1869) Vuich. Contractors. small operations

Existing law exempts from regulation under the Contractors' State License Law, work or operation on one undertaking or project by one or more contracts the aggregate contract price for which labor, materials, and all other items is less than \$200

This bill would increase that amount to \$300.

Ch. 294 (SB 2058) Bergeson. Common interest developments: fiscal affairs.

Existing law provides for the management of specified common interest developments by an incorporated or unincorporated association having the powers granted to a nonprofit mutual benefit corporation.

This bill would place certain duties on the board of directors of such an association that has a defined common area with respect to the fiscal affairs of the association. However, the governing documents of the association could impose more stringent standards. The bill would require the board of directors, as specified, to review reconciliations of the association's operating accounts, reserve accounts, as defined, the current year's actual reserve revenues and expenses compared to the current year's budget, and an income and expense statement for these accounts. The bill would also require the board to review the financial institution's latest account statements for these accounts.

This bill would also require the signature of an officer and director or 2 directors to withdraw moneys from the association's reserve accounts

Ch. 295 (SB 2086) Robbins Insurance: nervous or mental disorders

Existing law requires that specified types of coverage, including coverage for mental or nervous disorders, be offered or included in group disability insurance.

Existing law requires that if the terms and conditions of coverage include coverage for services with regard to mental or nervous disorders in a general acute care hospital or an acute psychiatric hospital, as defined, and do not restrict or modify the choice of providers, the coverage shall extend to care provided by a psychiatric health facility, as specified

This bill would recast the above provision to specify that group disability insurance which covers hospital, medical, or surgical expenses, and which includes coverage for inpatient care for nervous or mental disorders, shall provide coverage for treatment at a general acute care hospital, an acute psychiatric hospital, and a psychiatric health facility, as defined. It would also specify that the provision does not prohibit an insurer which negotiates and enters into a contract with a professional or institutional provider for alternative rates of payment, as specified, from restricting or modifying the choice of providers

Ch. 296 (SB 2271) Keene. Industrial loan companies.

Existing law authorizes an industrial loan company to make a loan or acquire an obligation which is repayable in unequal periodic payments during its term, and which is secured by either real or personal property, or both, providing it is not a consumer loan or consumer obligation, as specified

This bill would make a technical, nonsubstantive change in that provision

Existing law prohibits an industrial loan company from making a consumer loan or acquiring a consumer obligation unless the loan or obligation is repayable by equal or substantially equal periodic payments during its term

This bill would exempt loans or obligations secured by a motor vehicle, however, those loans and obligations could not exceed 50% of all consumer loans and obligations secured by motor vehicles or 20% of assets, whichever is less.

Existing law prohibits an industrial loan company that has investment certificates outstanding from making any loan secured primarily by real property in excess of 10% of unimpaired capital and surplus not available for dividends.

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This bill would revise that requirement with respect to improved real property to increase the amount to 20% of unimpaired capital and surplus not available for dividends.

Existing law provides that loans and obligations secured by unimproved real property shall not exceed 10% of an industrial loan company's unimpaired capital and surplus not available for dividends unless the Commissioner of Corporations consents to the taking of collateral to protect an existing jeopardized obligation.

This bill would instead provide that these loans and obligations shall not exceed 5% of the company's assets unless the commissioner consents to the taking of collateral to protect an existing jeopardized obligation

Ch. 297 (SB 2312) Stern. Legislative Analyst. reports.

Existing law requires the Legislative Analyst and the Department of Finance to report to the Governor and the Legislature, as specified, on the extent to which economies realized under provisions authorizing early retirement of employees of the state, the University of California, or the California State University have equaled the estimated cost to those agencies.

This bill would delete this requirement.

Existing law requires the Legislative Analyst to report to the Legislature annually by May 1 of each year on the performance and cost effectiveness of the Employment Training Panel.

This bill would delete this requirement.

Existing law requires the Legislative Analyst to report to the Legislature on or before July 1, 1983, on the effect of the cargo container sales tax exemption on attracting cargo container manufacturers to California

This bill would delete this requirement

Ch. 298 (SB 2441) Garamendi Districts: assessments

(1) Under existing law, reclamation districts are authorized, in the event the annual assessment for any parcel of land separately assessed is less than \$10, to set a minimum annual assessment which does not exceed \$10 for each separately assessed parcel of land.

This bill would allow a minimum assessment to be set at an amount which the board of trustees of the district determines to be adequate to defray the cost of collecting each minimum assessment, but not to exceed \$25 for each separately assessed parcel

(2) Under existing law, the governing boards of the Knight's Landing Ridge Drainage District and the Sacramento River West Side Levee District are authorized, under the principal acts of those districts, to set a minimum assessment not to exceed \$2 for each separately assessed parcel of land in the event the assessment for that land is otherwise less than \$2.

This bill would authorize those governing boards to establish a minimum assessment for any parcel separately assessed to the same extent and in the same manner as may be set by the board of trustees of a reclamation district.

Ch. 299 (SB 2491) Seymour Escrow agents' Escrow Agents' Fidelity Corporation.

Existing law requires defined incorporated escrow agents to be licensed by the Commissioner of Corporations and to participate as members of the Escrow Agents' Fidelity Corporation, a nonprofit mutual benefit corporation, the formation of which was mandated by existing law. Under existing law, the purpose of this corporation is to indemnify members against loss of trust obligations as a result of theft or mysterious disappearance.

Existing law limits the liability of the corporation for a loss to a member to \$50,000 during the 1st year of its operation, \$100,000 during the 2nd year, and \$150,000 thereafter.

This bill would instead limit liability of the corporation to \$150,000 for a loss to a member, but would allow up to \$500,000 per loss to a member with the written consent of the commissioner. This bill would also make clarifying changes and delete obsolete provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 300 (SB 2528) Russell Department of Transportation: appropriation: tort li-

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ability settlements and judgments

This bill would appropriate \$7,500,000 from the State Highway Account in the State Transportation Fund to the Department of Transportation in augmentation of category (b) of Item 2660-001-042 of the Budget Act of 1985. These funds would be expended for the payment of tort liability settlements and judgments

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 301 (SB 878) Boatwright. Transportation expenditure plan traffic offenses.

(1) Under existing law, there is no public entity designated as a county transportation authority for the counties in the San Francisco Bay area

This bill would enact the Bay Area County Traffic and Transportation Funding Act to authorize a county board of supervisors and the city selection committee, as defined, in the 9-county San Francisco Bay area, including Santa Clara County after November 1, 1995, to develop, on or after January 1, 1986, a county transportation expenditure plan pursuant to a specified process of local input and review. The plan would include essential transportation projects to be funded, specified financial estimates, a recommendation as to the imposition of a retail transactions and use tax of $\frac{1}{2}\%$ or 1% (with specified exceptions), and a recommendation as to whether the Metropolitan Transportation Commission or a county transportation authority, created pursuant to the bill, would impose the tax

The bill would require that the draft plan be approved by the board of supervisors, a majority of the cities in the county, as specified, and the commission. If the plan is approved, and if the plan recommends the tax, the board of supervisors would be required to call an election and submit the tax proposal, and may include an authorization to issue bonds that are funded by the tax for purposes of the plan, to the voters for approval. If the tax is approved, the authority or the commission, as the case may be, imposing the tax would administer the plan

(2) Under existing law, there is no county transportation authority in Fresno County.

This bill would enact the Fresno County Transportation Improvement Act, which would create the Fresno County Transportation Authority with a specified membership. Upon approval of a specified proposition by a majority vote of the Fresno County voters, the commission would be authorized to impose a $1\frac{1}{2}\%$ retail transactions and use tax for up to 20 years to finance highway improvements and for local transportation purposes in Fresno County, with priority given to specified state highways. The authority would terminate 2 years after the tax is last collected and the bill would be repealed at that time.

The bill would impose a state-mandated local program by requiring the Council of Fresno County Governments to review and assess highway transportation needs and to prepare the initial expenditure plan for the expected tax revenues and the county to hold an election

(3) Under existing law, in lieu of adjudicating a traffic offense and with the consent of the defendant, a court may order the person issued a notice to appear for a traffic violation to attend a licensed school for traffic violators or licensed driving school. The clerk of the court is required to collect a fee, not exceeding \$12, from a person ordered to attend a school, but the court is prohibited from imposing any other fees on the person

This bill would require the court to order the payment of an additional \$10 fee. After the county deducts \$1.10 per citation for its administrative costs, the funds collected would be transferred to the issuing local governmental entity, as specified, for deposit in its general fund.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would, by making changes in the requirements imposed on courts and other local agencies having jurisdiction over traffic violations, impose a state-mandated local program.

The bill would provide that no reimbursement is required by this act for specified reasons.

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(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 302 (AB 347) Calderon Accountancy.

Existing law provides for the renewal of an expired permit to engage in the practice of public accountancy.

This bill would make a technical, nonsubstantive change in those provisions by deleting an obsolete provision.

Existing law provides for the licensing of certified public accountants, for the issuance of a permit as a public accountant, and for the registration of a partnership engaged in the practice of public accountancy. Existing law also provides that each partner engaged in practice, and each manager of a firm, in this state shall be a certified public accountant

This bill would provide that each partner engaged in practice in this state and each manager of a firm shall be a licensee of the State Board of Accountancy and thus would authorize a person who is the holder of a permit as a public accountant to be a member of a partnership or a manager of a firm

Ch. 303 (AB 1986) Elder Accountancy.

Existing law provides for the licensing and regulation of persons engaged in the practice of public accountancy. These provisions of law are administered by the State Board of Accountancy.

This bill would revise those provisions by, among other things, (1) revising provisions regarding the ownership of papers of a licensee of the board, (2) defining the term "firm", (3) deleting a provision which states that a corporation organized on the effective date of the enactment of the above provisions and practicing accounting may continue in practice, and (4) revising provisions relating to the issuance of a certificate to a person certified as a public accountant in another state.

Ch 304 (AB 2641) Katz. Drivers' licenses: reexamination

(1) Under existing law, the Department of Motor Vehicles may require the reexamination of the driving privilege of a person upon receipt of information or showing by its records of specified matter.

This bill would authorize a traffic officer to issue a notice of reexamination to a traffic offender under specified conditions, and would require reexamination by the department of the offender upon presentation of that notice to the department. Based upon the reexamination, the department would be required to determine whether to suspend, revoke, restrict, or make subject to conditions of probation the person's driving privilege, as specified. Alternatively, the bill would authorize the department to suspend, revoke, or impose terms and conditions of probation on the person's driving privilege before any hearing pursuant to other provisions of law, as specified. The bill would require suspension of the offender's driving privilege for failure to submit to reexamination, as specified, and would provide for related matters.

(2) Under existing law, the records of the department relating to the physical or mental condition of any person are confidential and not open to public inspection.

This bill would require that, if a notice of reexamination was issued, a notation to that effect appear on any record of arrest or notice to appear and be noted on the driver's license record maintained by the department. The bill would require the department to keep its record of a notice of reexamination confidential as to the mental or physical condition of any person issued a notice of reexamination on that basis.

Ch 305 (AB 2719) Stirling. Vessels written estimates and liens

Under existing law, every person has a lien dependent upon possession of a vessel, as defined, for the compensation to which that person is legally entitled for services rendered to, or for storage of, any vessel subject to registration with the Department of Motor Vehicles, as specified.

This bill would prohibit a lien from arising on a vessel which is subject to registration with the department and which is manufactured or used for noncommercial purposes or leased, rented, or chartered to another for noncommercial use, in favor of a repairper-

son engaged in the business of repairing those vessels, against a customer who requested work on the vessel, unless a written estimate, as specified, has been provided to the customer and the customer or his or her agent has authorized the work to be done by that repairperson based on the written estimate, as specified, with exceptions.

The bill would provide that a repairperson would not be obligated to complete a job within the original estimated price if the original estimate was given in good faith, and the customer refuses to consent to payment for the cost of additional, unforeseen work necessary to complete the job.

The bill would authorize the repairperson to work on a vessel on a time and materials basis with the authorization of the customer as to a specific job.

The bill would not apply to a vessel in distress which is in need of immediate work critical to its preservation and safety, for which consent cannot expeditiously be obtained, except if the vessel's distress is caused by the negligence or conduct of the repairperson or the repairperson's agent. The bill would not apply to work done on a vessel at an estimated cost of less than \$100.

Ch. 306 (AB 2841) Frizzelle. Highway and freeway routes.

Existing law, with respect to determining and adopting the location of state highway or freeway routes, provides for the submission of estimates and graphic portrayals at public hearings or meetings before the California Transportation Commission or the Department of Transportation on the selection of a route, requires the department and all rapid transit districts to consult and cooperate with each other with respect to the planning of rapid transit routes, lines, corridors, and facilities in their relation to freeway and highway planning, requires that there be a complete exchange of information through conferences between representatives of the department and the governing bodies of appropriate local agencies and that the Office of Planning and Research be notified by the Director of Transportation so that the office may make recommendations, requires that the director's recommendation to the commission as to freeway locations be publicized and an opportunity for hearings be afforded, require the department and the commission to avoid using lands for public parks in the planning and design of highway projects, provide for hearing procedures before the commission or department, provide for consideration by the commission of local agency requests for route modifications, and requires the commission to adopt and publish a procedural resolution.

This bill would delete those provisions.

The bill would express the Legislature's intent in this regard.

Ch 307 (AB 2847) Baker Contracts to provide law enforcement

Existing law authorizes cities to enter into contracts with other governmental entities to render law enforcement services to those entities

Existing law also authorizes, with certain exceptions, a county board of supervisors to contract on behalf of the sheriff of that county to provide private individuals or private entities supplemental law enforcement services to preserve the peace at special events or occurrences that happen on an occasional basis, and requires these contracts to provide for full reimbursement to the county of the actual costs of providing those services, as determined by the county. This latter authorization does not currently apply to cities.

This bill would include cities in the provision which currently authorizes counties to provide supplemental law enforcement services at special events or occurrences.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 308 (AB 2786) Cortese. Sales and use taxes: use fuel taxes.

Under the existing Sales and Use Tax Law, a person who operates a state-licensed clothes cleaning or clothes dyeing establishment and who receives no more than 20% of his or her gross receipts from the alteration of garments during the preceding calendar year is a consumer of, and is not to be considered a retailer with respect to, property used or furnished by that person in altering new or used clothing, and the sales tax does not apply to the charges for those alterations

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This bill would instead provide that any person who receives no more than 20% of his or her total gross receipts from the alteration of garments during the preceding calendar year is a consumer of, and shall not be considered a retailer with respect to, property used or furnished by that person in altering new or used clothing provided, (1) that person holds a license issued by the state to act as a pickup and delivery point for garment cleaning, or to provide spotting and pressing services on the premises but not garment cleaning, or to operate a garment cleaning or dyeing plant on the premises, and, (2) 75% or more of that person's total gross receipts represent charges for garment cleaning or dyeing services.

Under the existing Sales and Use Tax Law, a person who engages in business as a seller in this state without a permit or permits or after a permit has been suspended or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor

This bill would make that misdemeanor punishable as provided by a specific statute, which provides that each offense shall be punished by a fine of not less than \$1,000 or not more than \$5,000, or imprisonment not exceeding one year in the county jail, or both the fine and imprisonment in the discretion of the court.

Under existing law contained in the Health and Safety Code, used floating homes subject to local property taxation are exempt from payment of use tax upon resale or transfer.

This bill would incorporate that exemption into the Sales and Use Tax Law

The existing Sales and Use Tax Law provides for the imposition of sales tax on lessors of tangible personal property to the United States or an agency or instrumentality thereof, except for certain leases in existence prior to 1979

This bill would exempt from the sales tax leases of tangible personal property to the United States, or an agency or instrumentality thereof

Existing law generally prohibits persons administering the Sales and Use Tax Law or the Bradley-Burns Uniform Local Sales and Use Tax Law from disclosing sales and use tax record information to other persons. Among the specified exceptions to this prohibition, the State Board of Equalization is permitted to give successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest, and penalties

This bill would additionally permit the State Board of Equalization to give that information to predecessors.

Under the existing Sales and Use Tax Law, the State Board of Equalization if it deems it necessary in order to ensure payment to or facilitate the collection by the state of the amount of taxes, may require returns and payment of the amount of taxes for quarterly periods other than calendar quarters depending upon the principal place of business of the seller, retailer or purchaser as the case may be, or for other than quarterly periods.

This bill would refer to periods other than quarterly periods as "designated periods" and would require that a return for the preceding designated period be filed with the board in such form as the board may prescribe on or before the last day of the month following each designated period

This bill would make a failure or refusal to furnish any regular quarterly return or any return for a designated period a misdemeanor punishable, as provided.

Under the existing Use Fuel Tax Law, the State Board of Equalization, if it deems it necessary in order to ensure payment of the tax, or to facilitate the administration of the tax, may require returns and payment of the tax to be made for other than monthly periods.

This bill would refer to periods other than monthly periods as "designated periods" and would require a return for the preceding designated period to be filed with the board in such form as the board may prescribe on or before the 25th day following the last day of each designated period

Under the Use Fuel Tax Law, a tax is imposed on diesel fuel at the rate of 9¢ per gallon. However, under the Mills-Hayes Act, a tax is imposed at the rate of 1¢ per gallon on diesel fuel used by school districts, community college districts, and county superintend-

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ents of schools when providing transportation services for pupils, as specified, and private entities under contract or agreement with those school entities to provide those services. Another provision of existing law provides that the partial exemption does not apply to transportation services conducted by or under contract with the governing board of any school district entered into pursuant to the Education Code, except when that transportation is an augmentation or adjunct to common carrier local transit services between fixed termini or over a regular route.

This bill would repeal that limit on the partial exemption

This bill would repeal various obsolete code sections contained in the Sales and Use Tax Law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 309 (AB 2849) Floyd. Minors: nighttime vending.

Existing law prohibits any minor from vending and selling goods, engaging in, or conducting any business between 10 p.m. and 5 a.m. Violation constitutes a misdemeanor punishable by a fine of not more than \$40 or by imprisonment for not more than 10 days, or both.

This bill would repeal this provision.

Ch. 310 (AB 2913) Isenberg. Vessels: possessory liens.

(1) Existing law provides that every person has a lien dependent upon possession for the compensation to which the person is legally entitled for services or storage, as defined, rendered to a vessel. Existing law authorizes the conduct of lien sales in accordance with prescribed procedures, including requiring that, when a lienholder applies to the Department of Motor Vehicles for authorization to conduct a lien sale, the lienholder submit a declaration of the fair market value of the vessel.

This bill would exempt a public agency from this declaration requirement if the public agency removes, or arranges for the removal of, an abandoned vessel from a highway or from public or private property and would, instead, require the public agency to determine whether the estimated value of the vessel is \$1,500 or less, thereby imposing a state-mandated local program.

The bill would require the lienholder or the lienholder's agent to make that determination if the public agency fails to make the determination within 3 days of the removal of the vessel

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 311 (AB 3048) La Follette. Commerce Marketing Fund.

Under existing law, the Department of Commerce administers a variety of programs relating to the economic development of this state. These programs include an industrial marketing program and a tourism marketing program

This bill would create the Commerce Marketing Fund, to be available for expenditure by the Department of Commerce, upon appropriation by the Legislature, for the purposes of the industrial marketing program and the tourism marketing program

The bill would specify that the Commerce Marketing Fund would include funds from specified fees collected by the Department of Commerce, and would allow public or private gifts to be accepted for deposit in the Commerce Marketing Fund

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Ch. 312 (AB 3057) Tucker Emergency medical services.

Under existing law, prehospital emergency medical care personnel certified to practice in one local emergency medical services agency must be recertified if they move to another agency under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act.

This bill would require the Emergency Medical Services Authority to establish criteria for the statewide recognition of the testing, certification, or authorization and accreditation of prehospital emergency medical care personnel in the basic scope of practice of those personnel. *Requiring a change in procedures by local EMS agencies constitutes a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 313 (AB 3305) N. Waters. Ranch House Estates, Tenaja, and Brooktrails Community Services Districts, and Descanso Community Water District

(1) Existing law authorizes the creation of community services districts for the performance of various specified public and utility services. Existing law authorizes the Cameron Park Community Services District or the Cameron Estates Community Services District, after voter approval, to enforce covenants, conditions, and restrictions for each tract in the district and to perform the duties of the architectural control committee for each tract to the extent authorized by the covenants, conditions, and restrictions applicable to the tract.

This bill would, in addition, grant the authority described above to the Brooktrails Community Services District and the Tenaja Community Services District.

(2) Under existing law, a community services district may sue and be sued in its own name, but generally may not, with certain express exceptions, enforce covenants, conditions, and restrictions adopted for each tract in the district and assume and perform the duties of the architectural control committee for each tract.

This bill would authorize the Ranch House Estates Community Services District to enforce those covenants, conditions, and restrictions and perform those architectural control duties. It would, however, permit the district to exercise the duties of an architectural control committee for any tract only to the extent authorized by the covenants, conditions, and restrictions applicable to the tract.

(3) Existing law does not generally authorize a community services district, with certain exceptions, to provide sewage and waste water disposal services.

This bill would authorize the Ranch House Estates Community Services District to engage in those activities.

(4) Under existing law, community services districts are generally authorized, with specified exceptions, to fix and collect, in accordance with prescribed procedures, water standby or availability charges of not to exceed \$10 per acre per year for each acre of land, or \$10 per year for each parcel of land less than an acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would increase that limit, in the Descanso Community Water District only, to \$40 per year for each acre or \$40 per year for a parcel less than an acre.

(5) The bill would make legislative findings and declarations with regard to the need for special laws applicable to those districts.

Ch. 314 (AB 3443) Hayden. In-service training programs: hazardous substances

The existing Community College Vocational Education and Technology Instructor and Counselor In-Service Training Pilot Program authorizes the governing board of any community college district to establish, or with one or more community college districts to establish, contractual education programs within or outside of the state by agreement with any public or private agency, corporation, association, or any other person or body, to provide specific educational programs or training. The Chancellor of the California

Community Colleges is required to ensure certain criteria are met in selecting proposals to receive in-service training grants. The pilot project is to be repealed January 1, 1989.

This bill would define an in-service training program to include hazardous substances and wastes management.

This bill would require the chancellor to ensure, to the extent local applications are submitted for consideration, that hazardous substances and wastes in-service training programs receive a share of the in-service grants in proportion to the comparative demand for certain other in-service training.

Ch 315 (AB 3467) O'Connell Schools: regional occupational centers and programs

(1) Existing law prescribes a formula for determining the average daily attendance of pupils enrolled in regional occupational centers or programs who are under the age of 16 years and meet specified criteria. Existing law provides for the repeal of these provisions on June 30, 1986.

This bill would delete the provision for repeal.

(2) Existing provisions of the Education Code do not prescribe a formula for the apportionment of funds for regional occupational centers and programs.

This bill would prescribe a formula in the Education Code for the apportionment of funds for regional occupational centers and programs commencing in the 1986-87 fiscal year.

(3) The bill would declare that it would take effect immediately as an urgency statute.

Ch. 316 (AB 3527) Campbell Municipal utility districts: customer assistance programs.

Existing law provides for the creation of municipal utility districts to furnish their inhabitants with public utility services pursuant to rates and charges established by the board of directors.

This bill would authorize any district to establish a temporary relief program for customers who are needy, as defined, and financially unable to pay district bills when due, and to expend funds, enter into contracts, and cooperate with public agencies and private organizations in the implementation of a program.

The bill would state certain legislative findings and declarations in this regard.

Ch. 317 (AB 3534) Sher Income taxes: bank and corporation taxes.

Under existing law, various statutes authorizing the issuance of revenue bonds provide that "the issuance, transfer, and interest income earned on any bonds issued by the state (or local agency) under this article is exempt from taxation of every kind by any state or local entity."

This bill would specify that the phrase which is set forth above, or its substantial equivalent, does not exempt the gain or loss from the sale or transfer of bonds from the provisions of the Personal Income Tax Law or the Bank and Corporation Tax Law. It would declare that the aforementioned provisions do not constitute a change in, but are declaratory of, the existing law.

The existing Personal Income Tax Law conforms to the federal income tax law with respect to allowing an employer transferring restricted property to an employee a business expense deduction in the taxable year in which that amount is included in the gross income of the person who performed the services and in an amount equal to the amount which the employee is required to include in gross income. The Bank and Corporation Tax Law does not conform to federal law with respect to that deduction.

This bill would conform the Bank and Corporation Tax Law to the federal income tax with respect to that deduction.

This bill would take effect immediately as a tax levy.

Ch. 318 (AB 3810) Stirling San Diego: combined courthouse-criminal justice facility

Existing law generally authorizes one or more public agencies to perform certain governmental functions common to both, pursuant to a joint powers agreement.

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This bill would specifically authorize the City of San Diego and the County of San Diego to create by joint powers agreement, the San Diego Courthouse, Jail, and Related Facilities Development Agency for the acquisition, construction, improvement, financing, and operation of a combined courthouse-criminal justice facility, as specified. The bill would provide for the governing body of the agency, its powers, and funding. The bill would also specify that the city or the county shall each have the power of nonconcurrency in the actions of the agency, as specified.

Ch. 319 (AB 3884) Kelley. Marketing orders

The California Marketing Act of 1937 requires testimony and evidence regarding the accuracy and sufficiency of lists of commodity producers and handlers directly affected by a marketing order to be received at public hearings.

This bill would instead require testimony to be presented on the procedure used to develop the official producer or handler list.

Ch. 320 (AB 3887) Kelley. Counties' ordinances.

Existing law prescribes various requirements and procedures for the adoption and amendment of county ordinances and county codes and requires that an amended or revised section of a county ordinance, be adopted and published accompanied by a summary.

This bill would, instead, provide that the ordinance revision or amendment shall be adopted and published within 15 days after passage in a newspaper in the county or by posting, as specified and that a summary may be published or an advertisement on the nature of the ordinance may be published, as specified. In so doing, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 321 (AB 4095) Bradley. Hazardous substance liability arbitration.

Existing law requires the State Department of Health Services or the appropriate regional water quality control board to issue a remedial action plan for all hazardous substance release sites listed on the annual priority ranking of sites. Existing law authorizes the Hazardous Substance Cleanup Arbitration Panel in the Office of the Secretary of Environmental Affairs to apportion the liability of persons for the costs of remedial actions for hazardous substances releases specified in the remedial action plan. One of the arbitrators is required to be selected by the department.

This bill would require instead that one of the arbitrators on the panel be selected by the regional board or the department. The bill would also make conforming changes concerning (1) the authority of a regional board to identify certain potentially responsible parties and to petition the panel to modify an apportionment decision and (2) judicial review of the regional board's modification of a remedial action plan.

The bill would require the costs of conducting the arbitration to be borne by the potentially responsible parties submitting to the arbitration, except that the bill would prohibit specified costs incurred by one party to be shared by any other party.

The bill would also require the Office of the Secretary of Environmental Affairs to adopt regulations to implement those provisions concerning arbitration proceedings, as specified.

Ch. 322 (AB 4322) Tucker. Conservators and guardians.

Existing law contains separate provisions in the Probate Code and the Welfare and Institutions Code for the establishment of a conservatorship of the person or the estate, or both, under specified circumstances. There are also provisions in the Probate Code for guardianship of a minor.

This bill would prohibit the establishment of a conservatorship of the estate under the Welfare and Institutions Code when a conservatorship or guardianship of the estate

exists under the Probate Code. The bill would provide that proceedings for the guardianship or conservatorship of the person under the Welfare and Institutions Code would be concurrent with and superior to similar proceedings under the Probate Code.

The bill would require that notice of proceedings under the Welfare and Institutions Code be given to the guardian or conservator appointed under the Probate Code.

Ch. 323 (SB 544) McCorquodale. Mental health

Existing law provides under the Lanterman-Petris-Short Act that when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, the person may upon probable cause, be taken into custody and placed in an approved facility for 72-hour treatment and evaluation.

This bill would require that prior to admission to a designated mental health facility for 72-hour treatment and evaluation, a person shall be assessed in person by the professional person in charge of the facility or his or her designee to determine the appropriateness of the involuntary detention.

This bill would specify that the preadmission assessment requirement shall not impose any additional duties upon peace officers transporting persons to designated facilities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by requiring an in-person evaluation by a mental health professional before admission to a mental health facility of a person for involuntary detention for 72-hour treatment and evaluation.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 324 (SB 882) Presley. Bank and financial institution taxes. rate.

Under the existing Bank and Corporation Tax Law, the rate of tax on banks and financial corporations is determined annually by the Franchise Tax Board according to a prescribed formula. The maximum rate for income years ending in 1982, 1983, and 1984 is 12%.

This bill would make changes affecting the rate for income years ending in 1982 and 1983, and would make legislative findings and declarations related thereto. It would make the maximum rate 12% indefinitely, and would make other clarifying technical changes to that law.

This bill would take effect immediately as a tax levy.

Ch. 325 (SB 965) Morgan. Vehicles: equipment. snow tires.

(1) Existing law allows the use of snow-tread tires, as specified, and requires that the tires be manufactured for use on ice and snow as a replacement for tire chains and be in good condition.

This bill would delete the requirement that the tire be manufactured for use on ice and would also require that the tire bear a marking indicating that it was manufactured for use on snow, with a specified exception for tires purchased before January 1, 1987.

Since violation of those requirements would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 326 (SB 1367) Morgan. Medi-Cal.

Existing law provides that, commencing November 1, 1984, and continuing until November 1, 1987, Medi-Cal reimbursement to children's hospitals shall be on a basis

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which reflects the relative severity of pediatric diagnostic case types and requires the California Medical Assistance Commission to report to the Legislature on the reimbursement methodology based on case mix adjustments by March 30, 1987.

This bill would extend that reimbursement provision until November 1, 1989, and the date by which the report shall be made until March 30, 1989.

The bill would require the California Medical Assistance Commission, in consultation with the State Department of Health Services, to conduct a study to determine the effect of including crippled children's services-eligible conditions in Medi-Cal capitation programs and to assess the existing utilization of crippled children's services eligible under the Medi-Cal program. The bill would require the commission to report to the Legislature on the results of the study on or before March 30, 1988.

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 327 (SB 1536) Marks. Fire suppression assessment.

Under existing law, local agencies which provide fire suppression services directly or by contract with the state or a local agency are authorized to act by ordinance to levy an assessment to pay for fire suppression services according to specified procedures. The ordinance is required to establish schedules and rates for the assessment. The law granting this authority will be repealed on January 1, 1988. Existing law also requires the legislative body of the local agency to prepare and file with the local agency a written report containing specified information about the property proposed to be subject to the assessment and the assessment, including the amount of the assessment for each lot or parcel for that year.

This bill would, instead, require that the report include the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year, the amount of the assessment for each lot or parcel for the initial fiscal year, and the duration of the assessment. This bill would also permit the local agencies to act by resolution to levy the assessment. This bill would impose a state-mandated local program by requiring additional information in the reports prepared by local agencies.

This bill would extend until January 1, 1991, the authority to impose fire suppression assessments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 328 (SB 2478) Ellis. Abandoned vehicles.

(1) Existing law prohibits a person from abandoning a vehicle on a highway, and upon public or private property without the consent of the owner or person in lawful possession and control of the property. A person convicted of abandoning a vehicle as specified is punished by a fine of not less than \$50.

This bill would increase the minimum amount of the fine to \$100, and would provide that no part of the fine imposed may be suspended. The bill would also provide that the fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment.

(2) Existing law authorizes peace officers or traffic or parking law enforcement employees of a city or county to remove a vehicle from a highway under specified circumstances, but allows only peace officers to remove from a highway a vehicle with a registration date in excess of one year before the date it is found on the highway.

This bill would also allow traffic or parking law enforcement employees of a city or county to remove from a highway an unoccupied vehicle with a registration date in excess of one year before the date it is found on the highway.

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Ch 329 (AB 1974) Molina Schoolbuses: safety belts.

Existing law authorizes the Department of the California Highway Patrol to adopt regulations for the safe operation of schoolbuses. There is presently no requirement that schoolbuses be equipped with safety belts. Schoolbuses are regulated under state law in 2 types depending upon passenger capacity and the manufacturer's gross vehicle weight rating. Existing federal law requires schoolbuses with a gross vehicle weight rating of 10,000 pounds or less to have passenger restraints for all seating positions, other than the driver's seat, which meet specified performance requirements. Large schoolbuses are not required to meet those standards.

This bill would require the Department of the California Highway Patrol to contract for a specified study relating to safety belts in schoolbuses and school pupil activity buses and to report the results of the study to the Legislature on or before March 1, 1987. The bill would appropriate \$200,000 from the Driver Training Penalty Assessment Fund to the department for that study. The bill would declare that it is to take effect immediately as an urgency statute.

Ch 330 (AB 2632) O'Connell. Evidence. newspaper or periodical.

Existing law, generally, requires that a writing be authenticated before it can be received in evidence in a court proceeding.

This bill would provide that printed materials, purporting to be a particular newspaper or periodical, are presumed to be that newspaper or periodical if regularly issued at average intervals not exceeding 3 months.

Ch 331 (AB 2757) Floyd. Unemployment insurance: records.

Existing law provides that information obtained in administration of the unemployment insurance law is confidential and may only be used for purposes directly connected with the administration of unemployment insurance, public social services, or general relief or assistance, except as expressly authorized.

This bill would authorize the Director of Employment Development to permit the use of any information in his or her possession to enable the Division of Labor Standards Enforcement to seek criminal, civil, or administrative remedies in connection with the failure to pay, or the unlawful payment of, wages, pursuant to specified provisions, and would require the Division of Labor Standards Enforcement to reimburse the Employment Development Department for all reasonable administrative expenses incurred pursuant to this bill.

Ch 332 (AB 2824) Johnston Schools withholding of pupil information.

Under existing law, a school district whose real or personal property is damaged or improperly retained by a pupil, as specified, may withhold the grades, diploma, and transcripts of the pupil pending compensation, subject to certain conditions.

This bill would extend this authority to county superintendents of schools.

This bill would require any school district or county superintendent of schools to which the pupil is transferred to likewise withhold the pupil's grades, diploma, or transcripts pursuant to that provision until it receives notice that the school district or county superintendent of schools that initiated the decision to withhold has rescinded that decision. This bill would thereby impose a state-mandated local program.

This bill would also impose the requirement, as specified, that any school district or county superintendent of schools that has decided to withhold a pupil's grades, diploma, or transcripts notify the parent or guardian of the pupil that the decision will be enforced in the school district to which the pupil has transferred.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 333 (AB 2845) Lewis Sales and use taxes: certificate of tax clearance.

Existing Sales and Use Tax Law requires the State Board of Equalization to provide

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the purchaser of a business or stock of goods with a certificate of tax clearance or notice of the amount of tax due as a condition of issuing a certificate not later than 90 days after receipt of request for a certificate from the purchaser or 90 days after the sale of the business or stock of goods, whichever is later.

This bill would require the board to issue a certificate to the purchaser or provide notice of the amount of tax due as a condition of issuing a certificate no later than 60 days after the latest of the following dates: (1) the date the board receives a written request from the purchaser for a certificate; (2) the date of the sale of the business or stock of goods; or (3) the date the former owner's records are made available for audit.

Ch. 334 (AB 2855) Bradley. Survey monument preservation fund.

Existing law authorizes the board of supervisors of a county to impose a fee, not to exceed \$10, for filing or recording any grant deed conveying real property and requires the fees to be deposited in a survey monument preservation fund. Existing law requires that the moneys in the fund be utilized to pay the expenses incurred or authorized by the county surveyor in any retracement or remonument survey of major historical land division lines upon which later surveys are based, as prescribed. Existing law exempts grant deeds conveying lots created by recorded tract maps from that fee.

This bill would set the authorized fee at \$10, or an increased or decreased amount which may be set by the county board of supervisors as reasonably necessary to recover the cost of providing the service.

The bill would require the county recorder to transfer to the city treasurer any fees collected on and after January 1, 1987, for recording grant deeds which convey any real property located wholly within a city with a population of more than 1,500,000 persons if a city engineer conducts those surveys.

The bill states the Legislature's finding and declaration that a special statute applicable only to the City of Los Angeles is necessary as existing law precludes reimbursement from the County of Los Angeles.

Ch. 335 (AB 2957) Wright. Conservatorships: public guardian.

Under existing law, counties, in providing for the appointment of a conservator for persons who are gravely disabled as a result of mental disorder or impairment by chronic alcoholism, are required to designate the agency or agencies to provide conservatorship investigation.

This bill would specify that the public guardian or agency providing public guardian services may be designated as the provider of those conservatorship services.

The bill would also specify that conservatorship investigation and administration be conducted independently from any person or agency which provides mental health treatment for conservatees if it has been demonstrated that the existing arrangement creates a conflict of interest between the treatment needs of the conservatee and the investigation and administration of the conservatorship.

Ch. 336 (AB 3029) Wright. Highway carriers.

(1) Existing law has deleted the category of highway carrier known as a radial highway common carrier, which operated pursuant to a permit issued by the Public Utilities Commission, and authorized those carriers, on or before October 1, 1979, to apply for issuance of a certificate of public convenience and necessity authorizing operation as highway common carriers, directing the commission to revoke each radial highway common carrier permit upon issuance of a certificate.

This bill would delete these obsolete provisions.

(2) Existing law directs the commission to prepare and adopt, on or before December 31, 1980, a transportation energy efficiency plan for highway carriers and to make a finding in every rule, order, and decision of the commission that it fully complies with applicable guidelines established in the plan.

This bill would delete these obsolete provisions.

(3) Existing law prohibits any person or corporation from acquiring or controlling any highway carrier without first obtaining the commission's authorization and specifies, for filing an application to acquire or control a highway common carrier or cement carrier,

a fee of \$150.

This bill would impose a similar \$150 fee on the filing of an application to acquire or control any highway permit carrier. Under other provisions, these funds would be continuously appropriated to the commission, thereby making an appropriation.

(4) Existing law requires the commission to approve the application of any highway carrier other than a highway common carrier or of any household goods carrier to perform any transportation or accessorial service at a rate below the established minimum rate for that service if the commission finds that the proposed rate is reasonable.

This bill would direct the commission to limit the duration of any reduced rate approved under these provisions to not more than one year.

Ch. 337 (AB 3076) Frazee. Sales regulation of mail order, catalog, and telephone sales.

Existing law makes it a misdemeanor for a mail order or catalog business selling consumer goods or services to accept money through the mails for goods or services ordered by mail or telephone and then to fail, within 6 weeks, to either deliver the goods or services ordered, make a full refund, provide notice of a delay or substitution, as specified, or deliver substituted goods or services of equivalent or superior quality with a notice that a refund will be provided if the goods or services are returned. The vendor is given 7 weeks, rather than 6 weeks, to comply with these provisions when the consumer makes an initial application for an open-end credit plan at the same time the goods or services are ordered and the goods or services are purchased on credit.

This bill would (1) make this provision applicable to sales or leases by telephone, radio, or television and payment by means of a transfer of funds from an account of the buyer or any other person, or payment by any other means, (2) provide that the goods, refund, or notice of delay or substitution must be delivered within 30 days, except as specified; (3) specify what the vendor shall do to make a full refund if payment is made by means of a transfer from an account; (4) specify in greater detail what shall be in the notice of delay or substitution; (5) require the vendor to provide to the buyer a cost-free method of communicating the buyer's request for a full refund; (6) specify in greater detail what shall be in the notice which accompanies any substituted goods; (7) delete the exemption from the provision made for consumer goods or services ordered pursuant to specified open-end credit plans opened prior to the mail order in question; (8) add an exemption for (A) telecommunications goods and services purchased for other than primarily for personal, family, or household purposes, and (B) financial services offered in the ordinary course of business by a supervised bank, national banking association, bank holding company, or a subsidiary or affiliate thereof; and (9) revise the definitions of "goods," "consumer," and "services," to make the provisions applicable to any purchase of goods or services ordered by mail or telephone regardless of the purpose for the purchase.

This bill would impose a state-mandated local program by revising an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 338 (AB 3105) Bader. Pasteurization.

(1) Existing law prescribes the process required to pasteurize milk. Existing law does not require that all milk and milk products be pasteurized at the same plant where the product is processed and packaged.

This bill would require that all market and manufacturing milk and milk products be pasteurized at the plant where processed and packaged unless otherwise provided by law. The bill would exempt from that requirement licensed milk products plants used exclusively for the preparation of ice cream or ice milk, as specified, and products sold through soft-serve establishments, would authorize the Director of Food and Agriculture to provide for additional exemptions, and would authorize the director to grant an extension until July 1, 1988, to comply with this requirement to persons who would be

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caused undue economic hardship if they had to comply immediately

Since violation of the requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(2) The bill would repeal a requirement that homogenized market milk be bottled in the plant where it is pasteurized.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 339 (AB 3212) Moore Highway carriers encumbrance of certificates or permits.

(1) Existing law authorizes the sale, lease, transfer, or inheritance of a right, privilege, franchise, or permit held, owned, or obtained by any highway common carrier as other property only upon authorization by the Public Utilities Commission, and prohibits the issuance of a certificate of public convenience and necessity to operate as a highway common carrier by the commission unless the issuee meets specified residency requirements.

This bill would prohibit a certificate issued to a highway common carrier from being sold, leased, assigned, transferred, or otherwise encumbered without authorization of the transaction by the commission. Any transaction not made in accordance with the terms of the commission's order would be void.

The bill would prohibit the commission from authorizing the sale, lease, assignment, or transfer of the certificate unless the purchaser, lessee, assignee, or transferee meets specified residency requirements.

(2) Existing law prohibits a certificate of public convenience and necessity issued to a radial highway common carrier from being sold, mortgaged, leased, assigned, transferred, or otherwise encumbered for a period of 5 years after issuance, with a specified exception.

This bill would delete that prohibition.

Ch. 340 (AB 3282) Rogers. Registered sanitarians

Under existing law, provision is made for the registration, certification, and regulation of sanitarians and for the imposition of various fees in connection with these activities. These fees are placed in the Sanitarian Registration Fund, which is continuously appropriated to the State Department of Health Services to administer the provisions of the law relating to sanitarian registration.

This bill would increase the maximum examination fee for registered sanitarians, and would reduce the maximum biennial renewal fee for retired registered sanitarians who meet specified conditions. As these fees are placed in a continuously appropriated fund, the bill constitutes an appropriation.

The bill would also make a technical change.

Ch. 341 (AB 3519) Clute. Community services districts' water standby or availability charge.

(1) Existing law authorizes a community services district to fix, on or before the first day of July in each calendar year, a water standby or availability charge not to exceed \$10 per year for each acre of land, or \$10 per year for each parcel of land of less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would, instead, permit a community services district to fix a water standby or availability charge on or before the first day of August of each calendar year. This would impose a state-mandated local program upon counties to the extent that the district elects to have the assessments for the water standby or availability charge collected on the tax roll since it would shorten the time that the county has to prepare tax statements including these assessments and also since it would extend the period of time during the first year the bill is effective that a district may elect to have the

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assessments for the water standby or availability charge collected on the tax roll.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 342 (AB 3545) Lancaster. Nonprofit Corporation Law: insurance.

Existing law authorizes local public entities to insure by self-insurance, and to pool self-insured claims and losses without regulation under the Insurance Code.

This bill would similarly authorize a corporation that is a tax-exempt health or human service organization other than a hospital to insure by self-insurance, to pool self-insured claims and losses, and to insure board members, officers, or volunteers against liability, without regulation under the Insurance Code, as specified

Ch 343 (AB 3559) Katz Department of the California Highway Patrol: regulation of vehicles.

Under existing law, the Department of the California Highway Patrol is required to regulate the safe operation of specified vehicles, including trailers and semitrailers

This bill would exclude from the class of vehicles regulated by the department, camp trailers, trailer coaches, and utility trailers when used in combination with other regulated vehicles.

Ch 344 (AB 3901) Stirling Corporations. limited partnerships: certificates.

(1) Existing law provides that a certificate of limited partnership is amended by filing a certificate of amendment thereto executed and acknowledged by all general partners, except as specified

This bill would provide that the certificate of amendment shall be executed and acknowledged, in addition, by each general partner designated in the certificate of amendment as a new partner, unless filed by any other partner, as specified.

(2) Existing law provides that if a general partner required to execute or file a certificate of amendment fails after demand to do so within a reasonable time or refuses to do so, any other partner may prepare, execute, and file with the Secretary of State an appropriate certificate of amendment.

This bill would (a) make this provision also applicable to a certificate of limited partnership, a certificate of dissolution, and a certificate of cancellation of limited partnership, and (b) authorize any person appointed by a court of competent jurisdiction to prepare, execute, and file all the above certificates. The bill would make conforming changes.

Ch 345 (AB 4051) Johnston. Discount buying services.

Existing law relating to the regulation of discount buying services performed by discount buying organizations exempts from the definition of discount buying organization, among others, any discount buying organization in which the total consideration paid by each client or member for the purchase of discount buying services from that organization (1) does not exceed an annual fee of \$25 to be paid on a yearly basis, or (2) does not exceed a one-time or annual fee of \$50 and the organization provides a majority of the goods and services through purchases by members who walk in to a fixed location operated by the organization.

This bill would also exempt from the definition of discount buying organization any discount buying organization in which the total consideration paid by each client or member for the purchase of discount buying services from that organization does not exceed a one-time or annual fee of \$50 and the organization offers buying services through toll-free telephone access, computer access, or video shopping terminals; provides at least 15 toll-free service lines to California customers for customer service questions and complaints; and meets specified membership fee refund and bond requirements.

Under existing law, an organization that provides discount buying services incidental-

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ly as part of a package of services on account of membership in the organization and is not organized for profit and does not provide discount buying services as one of its primary purposes is exempt from the definition of a discount buying organization.

This bill would also exempt from the definition of discount buying organization those organizations which provide the ability to purchase discount goods and services to the members of another entity if the other entity provides consideration for this service and the members of the other entity do not order from, or pay any money to, that organization.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 346 (SB 441) Lockyer. Employee inventions.

Existing law provides that any provision in an employment agreement which requires an employee to assign, or offer to assign, the employee's rights to an invention to an employer shall not apply to an invention developed entirely on the employee's own time, and for which no equipment, supplies, facilities, or trade secret information of the employer was used, and which does not relate to either the employer's business, or the employer's actual or demonstrably anticipated research or development, or which does not result from any work performed by the employee for the employer. Any agreement which purports to apply to such an invention is unenforceable.

This bill would permit the employment agreement to require the employee to assign, or offer to assign, the employee's rights to an invention if at the time of the conception or reduction to practice of the invention, the invention relates to the employer's business, or to actual or demonstrably anticipated research or development of the employer.

Ch. 347 (SB 709) Watson. West Valley-Mission Community College District.

Under existing law, the governing board of a community college district may sell or lease its real property if certain procedures and requirements are satisfied. Existing law also provides that the Board of Governors of the California Community Colleges may grant a waiver of the requirement that the governing board of a community college accept the highest responsible bid for the sale or lease of real property.

This bill would state the legislative finding that the West Valley-Mission Community College District was granted a waiver of that requirement in the lease of approximately 60 acres of district-owned surplus property in the City of Santa Clara. The bill would authorize the district to enter into a negotiated land development and disposition agreement as specified concerning that property.

This bill would take effect immediately as an urgency statute.

Ch. 348 (SB 1187) Beverly. State Department of Health Services.

Under existing law, the State Department of Health Services is required to make numerous reports and other information available on a continuing basis.

This bill would repeal and add provisions requiring the department to make various reports and various related provisions.

Ch. 349 (SB 1336) McCorquodale. Absent voter ballots: 1986 general election.

Existing law requires that a minimum of 131 days elapse between legislative approval of a proposed amendment to the California Constitution and its submission to the voters.

This bill would provide that, notwithstanding the 131-day requirement, among other provisions, SCA 26 of the 1985-86 Regular Session, as chaptered by the Secretary of State, shall be submitted to the voters at the general election on November 4, 1986.

This bill would also require that ACA 5 of the 1985-86 Regular Session be submitted to the voters at the 1986 general election, but only if ACA 5 is chaptered on or before July 11, 1986.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 350 (SB 1608) Ellis. Vehicles: manufactured homes.

(1) Existing law provides that no manufactured home required to be moved under the authority of a permit may exceed a height of 15 feet.

This bill would delete that provision.

(2) Under existing law, no vehicle or load may exceed 14 feet measured from the surface upon which the vehicle stands, with specified exceptions, including manufactured homes required to be moved under the authority of a permit, which may not exceed 15 feet.

This bill would exempt manufactured homes from the 15-foot restriction if specifically authorized by the Department of Transportation or local authorities with respect to highways under their respective jurisdictions if the proposed route can accommodate the vehicle.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 351 (SB 1876) Craven. Vehicles parking

(1) Existing law prohibits the loan to, or use of, a disabled person placard by any person not entitled to it

This bill would permit a disabled person placard holder to permit another person to use the placard only for the purpose of transporting the disabled person. Violation of the provision would be a crime. The provision would become operative on July 1, 1987.

(2) Existing law permits the Department of Motor Vehicles to issue a disabled person placard to vehicle owners who use their vehicles primarily to transport a disabled person.

This bill would delete that authority.

(3) Existing law requires the first renewal of placards issued between July 1, 1985, and December 3, 1986, to be on or before June 30, 1987.

This bill would extend that period of issuance to December 31, 1986, for the first renewal.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 352 (AB 1881) Elder. State employees.

(1) Existing law permits individuals, with the consent of the State Personnel Board or the appointing power of a state employee, to file charges with the State Personnel Board against the state employee requesting that adverse action be taken for specified types of disciplinary reasons.

This bill would provide that a current or former ward or inmate of the California Youth Authority or the Department of Corrections would have the right to file these charges against a state employee only upon the exhaustion of formal administrative appeal through the state employee's appointing power and with the consent of the State Personnel Board.

(2) The existing Public Employees' Retirement Law includes as state peace officer/firefighter members those employees with the class title of Forester I

This bill would include as state peace officer/firefighter members only those employees with the class title of Forester I who are employed on a full-time permanent basis.

Ch 353 (AB 1916) Stirling Public employees' disclosure of information

Existing law requires a state employee who files a report of alleged improper governmental activity and who files a written complaint with his or her supervisor or appointing authority alleging intimidation, threats, coercion, or similar acts, also to file a copy of the written complaint with the State Personnel Board, and requires the board to initiate an investigation of the written complaint within 10 working days of its submission, and to complete a report on the findings within 60 working days.

This bill would permit, rather than require, the state employee also to file a copy of the written complaint with the State Personnel Board, and would require that any state officer or employee filing a complaint of reprisal or retaliation must have previously filed a complaint of improper governmental activity with the Joint Legislative Audit Committee.

Existing law prohibits state officers and employees from using or threatening to use any official authority or influence to discourage, restrain, interfere with, coerce, or discriminate against any other state officer or employee who in good faith discloses to any appropriate authority information relative to actual or suspected violations of state or federal law occurring on, or directly related to, the job. Violators are subject to disciplinary action by the State Personnel Board and are liable for civil damages to the offended party. There are no similar provisions relating to local agency officers and employees.

This bill would repeal this provision and would instead provide that any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a state employee or applicant for state employment for having disclosed improper governmental activities is subject to a fine not to exceed \$10,000 and imprisonment for a period of up to one year, is subject to discipline by adverse action by the appointing power or the State Personnel Board, and is liable for damages in an action brought by the injured party.

This bill would also prohibit local agency officers, managers, and supervisors from taking a reprisal action through any act of intimidation, restraint, coercion, or discrimination against any employee or applicant for employment who files a complaint with a local agency.

This bill would require the State Personnel Board to investigate complaints alleging violations of the above provision with regard to state officers and employees, would make a malicious violation of the above provisions regarding local agency officers, managers, and supervisors punishable by a \$10,000 fine and imprisonment for up to one year, would permit disciplinary action to be taken against any local agency officer, manager, or supervisor who maliciously violates these provisions, and would provide that a person in violation with malicious intent is liable to the offended party for actual and punitive civil damages and attorney's fees.

This bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 354 (AB 2229) Elder. PERS. health benefits. county retirement systems.

(1) A provision of the existing Public Employees' Retirement Law provides "public service" credit under PERS to laid-off local members who are full-time employees and return to full-time work within 12 months of the date of layoff under specified procedures, subject to specified conditions, including electing to purchase the credit within 3 years of return to work. However, application to contracting agencies would be at their option.

This bill would authorize the purchase to also be made within 3 years of the date of the contract amendment to be subject to this section. This new authorization would impose state-reimbursable state-mandated local program negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) The existing Public Employees' Medical and Hospital Care Act contains 2 identical provisions enacted in 1984 and 1985, but with different section numbers. Both provisions require the Board of Administration of the Public Employees' Retirement System, prior to the approval of health benefits and rate readjustments, to notify the Department of Personnel Administration of the changes in writing.

This bill would repeal the provision which was enacted in 1985.

(3) A provision of the County Employees Retirement Law of 1937 (CERL), whose application to a county would be at its option, authorizes county boards of supervisors with respect to county retirement systems under the CERL to authorize laid-off members who are full-time employees, and return to full-time work within 12 months of the date of layoff under specified procedures, subject to specified conditions including deciding within 5 years of the date of rehiring to redeposit withdrawn contributions, to

purchase up to one year's service credit for layoff periods commencing on or after January 1, 1981.

This bill would authorize the decision to redeposit contributions to be made within 5 years of the effective date of the adoption of this section. This new authorization would impose state-reimbursable state-mandated local program negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by this bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 355 (AB 2520) Bates Developmental disabilities: regional centers.

Under existing law, the state contracts with private nonprofit community agencies known as regional centers to provide access to facilities and services for persons with developmental disabilities and their families. Existing law provides, among other things, that regional center funds shall not be used to supplant the budget of any agency which has a legal responsibility to serve all members of the public for providing those services.

This bill would specify that a regional center shall pay for services authorized by the regional center for AFDC-FC recipients that are not allowable under state or federal AFDC-FC program requirements.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties are responsible for providing cash assistance necessary for the adequate care of needy children in foster care. Under existing law, counties are reimbursed for part of the cost of providing assistance to foster children.

This bill would establish a new method for determining rates payable by counties and reimbursement rates to counties for children who are both regional center clients and AFDC-FC recipients and placed in licensed community care facilities.

This bill would impose a state-mandated local program because the AFDC-FC program is supported in part by county funds, and this bill increases payments under the program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would become operative on July 1, 1987

Ch 356 (AB 2635) Eaves. Private industry council plans.

Existing law requires the Employment Development Department to establish a systemwide policy of actively promoting the training of women in nontraditional occupations, which is defined to mean any job classification with more than 70% male participants.

This bill would instead define nontraditional occupations to mean any job classification in which not more than 25% of the employees are women.

Under existing law, a private industry council is established in each service delivery area of the state, with these areas being designated for purposes of implementing state and federal employment programs.

Existing law requires each private industry council to submit to the State Job Training Coordinating Council a plan for providing employment services in the service and

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delivery area with the plan being required to include specified items

This bill would provide that the plan shall include an assurance that a current requirement for promoting the transition of persons served in the service delivery area into full-time unsubsidized jobs, with an emphasis on nontraditional jobs in the private sector for women, is adhered to, including methods by which this requirement is to be implemented.

The bill would also specify that nontraditional employment in the private sector for women shall be deemed to include employment in an occupation in which no more than 25% of the employees are women

Ch. 357 (AB 2736) Bates Grand juries interpreters.

(1) Existing law specifies that only members of the grand jury and witnesses actually under examination, plus certain other necessary persons, may be present during the session of the grand jury.

This bill would authorize a grand juror with a hearing, sight, or speech disability to request an interpreter and the bill would provide that if the court finds that the interpreter is necessary to aid the juror in carrying out his or her duties it shall make an order to that effect, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law makes it a misdemeanor for a grand juror to disclose evidence adduced before the grand jury or any deliberations thereof.

This bill would extend that provision to include interpreters for disabled grand jurors, thereby imposing a state-mandated local program by expanding the definition of a crime

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

The bill also would provide that no reimbursement is required for a specified reason.

Ch 358 (AB 2812) Calderon. Eminent domain. hearing on resolution of necessity.

Under existing law, a public entity may not commence an eminent domain proceeding until its governing body, as defined, has adopted a prescribed resolution of necessity. Existing law requires that specified notice and an opportunity to appear in a hearing on the resolution of necessity be given to persons whose names and addresses appear on the last equalized county assessment roll as owners of property to be acquired.

This bill would permit a public entity with a governing body exceeding 40 members to appoint a geographically representative committee of at least 11 members of the governing body to conduct these hearings. The committee would be required to provide a written summary of the hearing and recommendations for action to the entire governing body and to those persons who appear before the committee. Persons making such an appearance would be entitled to make a similar appearance before the entire governing body

Ch 359 (AB 2836) Johnston. Juvenile offenders. escapes.

Existing law requires the person in charge of any secure detention facility, as defined, to notify the police chief or sheriff of the city or county in which the facility is located of the escape of persons who have committed specified crimes. It also requires the person in charge of any secure detention facility under the jurisdiction of the Department of Corrections to release the names of and any descriptive information about minor escapees in the custody of the department to other law enforcement agencies or other persons if the information would be necessary to assist in the recapture of the minor or the protection of the public, as specified.

This bill would make the above provisions specifically applicable to adults, as well as

minors, who are escapees, and would require the person in charge of the secure detention facility to provide the above notification regarding an escape regardless of the nature of the crime committed by the escapee. The bill also would require the person in charge of any secure detention facility under the jurisdiction of the Youth Authority, as well as the Department of Corrections, to provide notification regarding an escapee.

Existing law requires that certain information in the possession of the Youth Authority concerning specific persons committed to its jurisdiction by a court of criminal jurisdiction be disclosed to any member of the public upon request.

This bill would ~~impose a similar disclosure requirement on~~ [authorize]* the Youth Authority ~~with respect~~* to ~~disclosing~~ [disclose]* certain information regarding a person committed to the Youth Authority by a juvenile court for specified offenses.

This bill would impose a state-mandated local program by imposing expanded duties on local law enforcement agencies concerning the notification of law enforcement agencies of the escape of persons from secure detention facilities and concerning the release of the names of those escapees.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 360 (AB 2846) Robinson. Unemployment insurance: Benefit Audit Fund

Existing law provides that if the Director of Employment Development finds that an individual has been overpaid unemployment compensation benefits because of willful false statements or representations or withholding of material facts, the director shall assess against the individual an amount equal to 30% of the overpayment amount for deposit in the Employment Development Department Benefit Audit Fund. These provisions and the provisions creating the fund will be repealed on December 31, 1986.

This bill would extend the repeal of the above provisions from December 31, 1986, to January 1, 1990.

This bill would make an appropriation by providing for the deposit of funds into the Employment Development Department Benefit Audit Fund, a continuously appropriated fund, after December 31, 1986.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 361 (AB 3039) Bane. Savings associations.

(1) Existing law, generally, authorizes a mutual or stock savings association, savings and loan association, or savings bank to make secured or unsecured loans for agriculture, business, corporate, or commercial purposes if the total does not exceed 10% of the assets of the financial institution. However, each of those financial institutions is prohibited from making a loan for commercial, corporate, business, or agricultural purposes to one borrower if the sum of the loan and the total balance of all outstanding loans for such purposes owed to the financial institution by that borrower exceed specified amounts. Loans secured by real property are exempted from that provision.

This bill would add, as exceptions to the above, loans approved in writing by the Savings and Loan Commissioner, loans to the financial institution's service corporation or wholly owned subsidiary, loans sold without recourse, loans on the security of the financial institution's deposit accounts, and loans of unsecured day funds.

The bill would also revise the definition of "one borrower" for purposes of the above provisions.

(2) Under existing law, petitioners for a certificate of authority to form a mutual or stock savings association, savings and loan association, or savings bank must submit statements, exhibits, maps, or other data required by the commissioner.

This bill would specify that the commissioner shall require this information by written

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instruction. The bill would also require the commissioner to provide reasons for denying such a petition or request, and would provide that denial is a final administrative decision.

(3) Under existing law, if a certificate of approval of articles of incorporation for a mutual or stock savings association, savings and loan association, or savings bank is forfeited for failure to commence business, the commissioner is required to return amounts credited on savings accounts or paid in on capital stock, less expenditures authorized by the commissioner, to their respective holders on a pro rata basis.

This bill would require these funds, plus income earned thereon and interest and without any deductions for expenditures, to be returned on a pro rata basis to subscribers. The bill would also delete an existing requirement for returning forfeited certificates of approval to the commissioner.

(4) Under existing law, certain changes by a mutual or stock savings association, savings and loan association, or savings bank require the prior approval of the commissioner.

This bill would require an application for this approval to be accompanied by information specified by regulation or written instruction of the commissioner.

(4.5) Under existing law, a federal association, as defined, may convert to a state association, and the directors are required to file the necessary documents and take the necessary action which is required in the case of an original incorporation of an association.

This bill would specify that the decision for approval or denial shall be issued in writing.

(5) Under existing law, a merger or consolidation under the Savings Association Law is effective upon filing a prescribed agreement with the Secretary of State.

This bill would require filing a copy certified by the Secretary of State with the commissioner and would make technical, clarifying changes.

(6) Under existing law, stockholders or members of mutual or stock savings associations, savings and loan associations, and savings banks are entitled to inspect the register, books of accounts, and minutes upon written demand and with prior approval of the commissioner.

This bill would restrict this right to stockholders and members who hold in the aggregate at least 1% of the voting shares and require the commissioner's approval to be in writing.

(7) Existing law requires mutual or stock savings associations, savings and loan associations, and savings banks to close their books more often than annually if required by the commissioner for all of them.

This bill would delete the requirement that the books be closed more often if required of all these institutions and instead would require that such a directive of the commissioner be in writing.

(8) Under existing law, prescribed written notice of approvals of the commissioner is required to be sent to the home office of the association or person affected.

This bill would make this requirement applicable to decisions other than approval.

(9) Under existing law, the commissioner is required to report annually on the condition of each institution under the commissioner's jurisdiction.

This bill would instead require a report on the condition of the savings association industry and would change the time for reporting.

(10) Existing law does not prescribe a special time limitation for obtaining judicial review of decisions of the commissioner.

This bill would require commencement of proceedings for judicial review 60 days after issuance of a final decision.

(11) Existing law requires calendar year audits of mutual or stock savings associations, savings and loan associations, and savings banks, unless the commissioner or institution fixes a different audit period, as specified.

This bill would instead require the audit date and period to be approved in advance by the commissioner.

(12) Under existing law, an association is required to provide the commissioner with

2 copies of its financial statements.

This bill would require that the association furnish the commissioner with 5 copies of these financial statements.

(13) Under existing law, a person affected by an order of the commissioner for discontinuance of a violation may apply to a court within 30 days of receipt of the order for an order suspending the commissioner's order.

This bill would reduce this time to 10 days from delivery and make clarifying changes

Ch. 362 (AB 3148) N. Waters Motor vehicles.

(1) Existing law specifying tire chain standards is repealed on December 31, 1986

This bill would change the repeal date to December 31, 1987

(2) Existing law makes it unlawful to drive across a divided highway except as permitted. Under existing law, a divided highway is delineated by curbs, lines, or other markings.

This bill would specify that double-parallel lines may delineate a divided highway for these purposes

(3) Existing law requires unattended motor vehicles to have the brakes set and the motor stopped.

This bill would require vehicles, other than motor vehicles, to have the brakes set or the wheels blocked where necessary to prevent movement, thereby imposing a state-mandated local program by creating a new infraction

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 363 (AB 3411) Hayden. Administrative training and evaluation programs.

Under existing law, any school district, county superintendent of schools, or a consortium of these entities is eligible for funds in order to establish an administrator training and evaluation program

Existing law conditions eligibility for funding upon the development of a 3-year plan for support and development activities.

Existing law requires that a 3-year plan address specified objectives, including the facilitation of staff and community collaboration in evaluating the school program.

This bill would expand upon the objectives addressed in a 3-year plan by requiring the active participation of the school staff in the school decisionmaking process and requiring collaboration at both the administrative and educational levels

This bill would operate prospectively only and would not affect 3-year plans developed prior to the effective date of this bill.

Ch. 364 (AB 3427) Kelley. Water rights: transfer

Under existing law, local agencies are authorized pursuant to specified provisions to sell, lease, exchange, or otherwise transfer water that is surplus to the needs of the agency's water users subject to specified conditions. With specified exceptions, any transfer of water pursuant to those provisions is limited to a period of 7 years

This bill would generally permit any such agreement for the transfer of water to be for a longer period if mutually agreed upon by the agency and the transferee

Ch. 365 (AB 3799) Cortese. Santa Clara County groundwater.

Under existing law, the Santa Clara Valley Water District is organized under a special act and consists of all the territory of Santa Clara County

This bill would redefine "agricultural water" for purposes of the Santa Clara Valley Water District Act and would also request the district to report to the Legislature by July 1, 1987, on any new aquifers for supplying drinking water.

Ch. 366 (AB 4284) Wright. Support

Existing law authorizes a court, during the pendency of specified proceedings under

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the Family Law Act, to issue orders for child or spousal support. Existing law also provides for the discretionary or mandatory dismissal of proceedings if not brought to trial within specified time periods.

This bill would provide that, except as specified, orders for child support entered during the pendency of such a proceeding remain in full force and effect until they are revoked by the court or terminated, as specified, notwithstanding that the proceeding has not been brought to trial within those time limits.

This bill also would prohibit the dismissal of a petition for legal separation or dissolution of marriage for lack of prosecution if an order for child support has been issued in connection with the proceeding and the order has not been revoked or terminated, as specified.

Ch. 367 (AB 4301) Eaves. Recordings of sounds, images, or information: misappropriation.

(1) Existing law makes it a misdemeanor for any person knowingly, with intent to sell for commercial advantage or private gain, to advertise, offer for sale or resale, sell or resell, or possess for any of those purposes any phonograph record, disc, wire, tape, film, or other article on which sounds are recorded, the outside cover box or jacket of which does not clearly and conspicuously disclose the actual true name and address of the manufacturer thereof and the name of the actual performer or group.

This bill would revise those provisions to make them applicable to all recordings, as defined, of sounds, images, or information. Under the bill, such a recording's outside cover box or jacket would be required to disclose the name and address of the manufacturer and the name of the author, artist, performer, producer, programmer, or group. This bill would provide that it does not require the original manufacturer or authorized licensees of software producers to disclose the contributing authors or programmers. The bill would also apply these provisions to rentals. By changing the definition of a crime this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 368 (AB 521) Felando. Gill nets: shark and swordfish permits

(1) Existing law required the Department of Fish and Game to prepare a specified report on thresher shark and swordfish resources and to submit it to the Legislature on or before January 1, 1985.

This bill would require a report on the same subject to be submitted to the Legislature on or before January 1, 1989.

Because existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties, the bill would, thereby, make an appropriation.

(2) Existing law provides for the issuance of drift gill net shark and swordfish permits to persons with specified qualifications, and prohibits this type of fishing without a permit, except as specified.

This bill would additionally authorize a permit to be issued to applicants who meet specified qualifications and would impose a different fishing season upon these permittees. Since, under other provisions of the Fish and Game Code, a violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

The bill would authorize additional permits for which fees are collected. Since the fees are required by existing law to be deposited to, and are continuously appropriated from, the Fish and Game Preservation Fund, the bill would make an appropriation.

(3) This bill would incorporate additional changes in Section 8560 of the Fish and Game Code, proposed by AB 2914, to be operative only if AB 2914 and this bill are both enacted and become effective on or before January 1, 1987, and this bill is enacted last. These changes would become operative on the operative date of AB 2914.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 369 (AB 2225) Elder. Public retirement systems: STRS and PERS.

The existing State Teachers' Retirement Law (STRL) requires the State Teachers' Retirement System (STRS) to provide various services to its members.

This bill would authorize the system to contract; ~~as specified,~~* with [county superintendents and other employing agencies which would employ]* retired public employees on a part-time basis to provide retirement counseling, unless and until a specified study recommends against the employment of retired public employees for these purposes. This authorization would also be subject to availability of appropriated funds.

The STRL permits the governing board of a school district or community college district to establish regulations authorizing, under certain conditions, certain members of the STRS to reduce their workload from full time to part time for not to exceed 5 years and for not beyond the end of the school year in which the member attains age 70 and to receive the retirement credit that they would have received on a full-time basis, if specified contributions are paid as on a full-time basis by the member and the employer.

This bill would substitute for the time limitations, a requirement that the part-time service not exceed 10 years.

Existing provisions of the STRL and the Public Employees' Retirement Law authorize the establishment of programs utilizing the respective retirement funds to assist currently employed members and retirants or annuitants, through financing, to obtain homes in this state, subject to specified conditions, including a maximum loan-to-value ratio of 95% for persons purchasing their first home and 80% for persons purchasing other than their first home.

This bill would revise the above condition to, instead, require the maximum loan-to-value ratio of 95% to apply to the first loan and the 80% ratio to apply to each additional loan.

Ch. 370 (AB 2709) Stirling. California State University.

Existing law imposes various duties on the Trustees of the California State University.

This bill would require the trustees to study and assess recent developments affecting teacher education, the academic calendar, and grading practices. This bill would also require that this study and assessment be completed and submitted to the Legislature on or before September 1, 1987. The bill would require the trustees to develop, if necessary and desirable, a budgetary proposal in light of those developments for consideration by the Governor and the Legislature through the normal budget process.

Ch. 371 (AB 3537) Frazee. School employment teacher aides.

Existing law prohibits the school employment of a person who is receiving a retirement allowance.

This bill would permit school employment as an aide under specified circumstances and would disallow service credits for purposes of the State Teachers' Retirement System to persons so employed.

Ch. 372 (AB 3746) Lancaster. Appraisals: real property.

Nothing in existing law specifies general standards for real property appraisals and appraisal reports.

This bill would establish standards for defined certified appraisals and certified appraisal reports, and impose specified duties on appraisers in connection therewith. The bill would prohibit certain types of fees. The bill would require persons making certified appraisal reports to retain for 3 years a copy of the report, the contract for the appraisal, and supporting documentation or data. The bill would make persons violating the bill liable for damages and suits for equitable relief, as specified, and would authorize the

court to award costs and attorneys' fees to the prevailing party. The bill would preclude state agencies, prior to January 1, 1989, from requiring certified appraisals or certified appraisal reports, without express statutory authorization, in connection with transactions to which the state is not a party.

The bill would become operative on January 1, 1988.

Ch. 373 (AB 825) Harris. Court reporters

(1) Existing law requires the court reporter to furnish a certified transcript of any trial or proceeding as directed by the court or requested by a party. The transcript is prima facie evidence of the testimony and proceedings.

This bill would establish, upon the adoption by the board of supervisors of a specified resolution and the adoption of local rules by the superior court, a demonstration project to assess the costs, benefits, and acceptability of utilizing audio and video recording in specified counties in lieu of the record prepared by a court reporter, except in criminal or juvenile proceedings.

This bill would require the Judicial Council to adopt specifications for audio and video recording equipment, and rules for courtroom monitoring of, and certification of transcripts produced by, audio and video recording, and to report to the Legislature on the project on or before January 1, 1989. This bill would also prohibit the reduction of the hours of employment of any presently employed court reporter as a result of this demonstration project.

This bill would require a report by the Judicial Council to the Legislature, as specified, and would require the Joint Rules Committee to appoint an advisory committee, as specified, to evaluate the project and to report its findings and recommendations to the Legislature on or before January 1, 1989.

This bill would provide that the demonstration project in each county terminate on or after January 1, 1991, but not later than January 1, 1992.

(2) Existing law provides that the fee for a superior court reporter's transcription for original ribbon copy is 60¢ for 100 words.

This bill would raise that fee to 70¢.

Ch. 374 (AB 3011) Farr. Special education

(1) Existing law establishes special education programs for individuals with exceptional needs and specifies the requirements of local plans for implementation of the programs by local educational agencies. Among these requirements is one which provides that each local plan submitted to the Superintendent of Public Instruction in the 1983-84 fiscal year shall include a description of the process utilized to meet specified requirements.

This bill would delete the reference to the 1983-84 fiscal year and would make the above requirement apply to every local plan submitted to the superintendent, regardless of the fiscal year. This requirement would impose a state-mandated local program.

(2) Existing law establishes a formula for eligibility for state funding of special education local plan areas of instructional personnel service units operated and fundable for services to children 3 years of age or older. Current law requires the Superintendent of Public Instruction to base the authorization of funding on specified standards and criteria. The superintendent may grant a waiver of any of the standards and criteria upon consideration of, among other things, the location of the facilities within the boundaries of a local plan if 5% or more of the local plan's unduplicated pupil count resides in those facilities.

This bill, instead, commencing July 1, 1986, or upon the effective date of this bill if the effective date is after July 1, 1986, would require the superintendent to consider the location of the facilities within the boundaries of a local plan if 3% or more of the local plan's unduplicated count resides in those facilities.

(3) Existing law establishes a formula for eligibility for state funding of special education local plan areas of instructional personnel service units operated and fundable for services to individuals with exceptional needs younger than 3 years of age. Current law requires the Superintendent of Public Instruction to base the authorization of funding on specified standards and criteria. The superintendent may grant a waiver of any of the

standards and criteria if compliance would prevent the provision of a free, appropriate public education or would create undue hardship. In granting the waivers, the superintendent is required to give priority to specified factors, including the location of the facilities within the boundaries of a local plan if 5% or more of the local plan's unduplicated pupil count resides in those facilities.

This bill, instead, as to those waivers, commencing July 1, 1986, or upon the effective date of this bill if the effective date is after July 1, 1986, would require the superintendent to give priority to the location of the facilities within the boundaries of a local plan if 3% or more of the local plan's unduplicated count resides in those facilities.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 375 (AB 4227) Hauser. Coast Life Support District.

This bill would create and provide for the operation, management, financing, and the powers of the Coast Life Support District to provide emergency medical services, including emergency ambulance and life support services and certain other health services to a specified area within Sonoma and Mendocino counties. The bill would impose certain duties on those counties with respect to the creation and operation of the district thus creating a state-mandated local program. The bill would specify that it shall not become effective unless the Boards of Supervisors of Sonoma and Mendocino Counties adopt resolutions requesting the state to mandate an election, and its costs, in November 1986 imposing a special tax and setting an initial appropriations limitation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 376 (SB 550) Presley. Correctional facilities drugs.

Existing law requires the Board of Corrections to establish minimum standards for local detention facilities.

This bill would require those standards to include requirements for the acquisition, storage, labeling, packaging, and dispensing of drugs.

This bill would require the Board of Corrections, the Board of Pharmacy, and an advisory committee to conduct a study relating to the acquisition, storage, labeling, packaging, and dispensing of drugs in state and local detention or correctional facilities. The bill would create the advisory committee and specify its memberships and duties. The bill would require the Board of Corrections and the Board of Pharmacy to submit a written report to the Legislature on or before January 1, 1988, relating to proposed legislation relating to handling of drugs in those facilities. Those provisions would be repealed on January 1, 1989.

Ch. 377 (SB 654) Dills. Litigation costs.

Existing law provides that in an action on a contract, if the contract provides for an award of attorney's fees and costs to a party, then the prevailing party shall be entitled to attorney's fees and costs. Existing law provides that if a defendant alleges that he or she has tendered the full amount due and deposits in the court that amount and the allegation is found true, then the defendant shall be deemed to be a prevailing party.

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This bill would provide for the award of attorney's fees and costs to the party prevailing on the contract, as defined. It would also permit a court to order the deposit of that amount in an insured, interest-bearing account, as specified

Existing law contains numerous provisions for the prevailing party in superior, municipal, and justice court actions to receive costs and necessary disbursements, including expenses for juries and depositions and costs of appeal. Existing law also requires a prevailing party who claims costs to serve on the adverse party and file with the court a memorandum of costs

This bill would repeal those provisions and instead provide that, except as otherwise provided by law, a prevailing party, as specified, is entitled as a matter of right to recover costs in any action or proceeding. This bill would provide for the determination of fees and costs by the court in specified instances, would specify costs that are or are not allowable, and would provide that prejudgment costs allowable shall be claimed and contested in accordance with rules adopted by the Judicial Council and require the Judicial Council to establish by rule allowable costs on appeal and the procedure for claiming those costs. The bill would allow parties to stipulate to alternative procedures for awarding costs.

Existing law provides that in an action under the California Tort Claims Act or for indemnity or contribution, the factfinder at the time of granting summary judgment or nonsuit may determine if the proceeding was brought in good faith and, if not, may award defense costs including attorney's fees.

This bill would extend those provisions to motions for directed verdict and motions for judgment before presentation of defense evidence, and would provide for determinations by the court instead of the factfinder

Ch. 378 (SB 675) Montoya. Ticket sellers

Existing law does not regulate persons who sell tickets to sporting, musical, theatre, or other entertainment events

This bill would require ticket sellers, as defined, to have a permanent business address, to be duly licensed as may be required by any local jurisdiction, to maintain records of ticket purchases and sales, to disclose seat locations to the purchaser prior to the sale, to refund advance sale ticket purchases at any time prior to the availability of the tickets and to fully refund the ticket price when an event is canceled, postponed, or rescheduled, to disclose any service charge imposed by the ticket seller, and to disclose the price charged for the ticket when a ticket is offered as a part of a tour or event package. The bill would exempt from its provisions a person or organization who is responsible for the event for which tickets are being sold or a seller of tickets operating under a contract with that person and an officially appointed agent of an air carrier, ocean carrier, or motor coach carrier who purchases or sells tickets in conjunction with a tour package, as specified

A violation of the provisions would be a misdemeanor

The bill would impose a state-mandated local program since the bill would add a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 379 (SB 1611) Torres. Crimes: poisons

Existing law provides that every person who willfully mingles any poison or harmful substance with any food, drink, medicine, or pharmaceutical product or who willfully places any poison or harmful substance in any spring, well, reservoir, or public water supply, is guilty of a felony punishable by 2, 3, or 4 years imprisonment in the state prison. Existing law also provides that any person who maliciously and falsely informs any other person that a poison or other harmful substance has been or will be placed in any food, drink, medicine, pharmaceutical product, or public water supply is guilty of a crime punishable by imprisonment in the state prison for 16 months, or 2 or 3 years, or

imprisonment in the county jail not to exceed 1 year

This bill would revise the former provision to increase the state prison term for a violation of the provision from 2, 3, or 4 years to 2, 4, or 5 years. The bill would also provide that a court may impose the maximum fine for each item tampered with.

Ch. 380 (SB 1655) Campbell. Aviation obstructions

Existing law prohibits the construction of any structure or the allowing of any natural growth at a height constituting a hazard to air navigation, as defined in designated federal regulations, without a permit issued by the Department of Transportation, and authorizes the department to refuse issuance of a permit if it determines that the construction or growth would constitute a hazard to air navigation.

This bill would revise that requirement to prohibit the alteration, as well as the construction, of any structure which exceeds the obstruction standards set forth in those federal regulations without the required permit from the department.

Ch. 381 (SB 1667) Petris. Seismic safety California Center for Earthquake Engineering.

Existing law establishes the California Earthquake Hazard Reduction Program with specified objectives and legislative findings. The program is administered by the Seismic Safety Commission.

This bill would require the Seismic Safety Commission to contract with a consortium of public and private institutions of higher education, for the establishment of the California Center for Earthquake Engineering which would provide research programs and other activities related to earthquakes.

This bill would appropriate \$3,000,000 from the General Fund, contingent upon the Director of Finance determining that matching federal funds have been approved, to the commission for the purposes of the act.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 382 (SB 1716) Rosenthal Passenger stage corporations: advertising. violations

(1) Under existing law, passenger stage corporations are regulated by the Public Utilities Commission as common carriers under the Public Utilities Act. Existing law prohibits operations as a passenger stage corporation without a certificate of public convenience and necessity issued to the operator by the commission.

This bill would make it a misdemeanor for any corporation or person to willfully and knowingly advertise by any oral or written means that the corporation or person is in operation as a passenger stage corporation when it has no valid certificate in effect. The bill would specify a punishment of a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, for a violation by an individual, and a fine of not more than \$5,000 for a violation by a corporation. The bill would, by creating a new crime, impose a state-mandated local program.

(2) Under existing law, the transfer or assignment of a certificate of public convenience by a passenger stage corporation is subject to a fee of \$75.

This bill would prohibit the sale, lease, assignment, transfer, or encumbrance of any certificate, or the rights to conduct any of the services authorized thereby, unless authorized by the commission, and would require a filing fee of \$300 to accompany an application for that authorization. A violation of this requirement would be a crime.

(3) Under existing law, every passenger stage corporation is required to display on each of its vehicles an identifying symbol in the form prescribed by the commission.

This bill would require every corporation to specify the number of its certificate or identifying symbol whenever it advertises its services, as specified. Under these provisions, a violation of this requirement would be a crime.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 383 (SB 2150) Beverly. Uniform Fraudulent Transfer Act.

Under existing law, California has adopted the Uniform Fraudulent Conveyance Act.

This bill would repeal that act and instead adopt the Uniform Fraudulent Transfer Act, as specified

Ch. 384 (AB 1207) Moore. Controlled substances.

(1) Existing law classifies glutethimide as a Schedule III controlled substance.

This bill would classify glutethimide as a Schedule II controlled substance.

(2) Under existing law, a substance containing a specified amount of dihydrocodeine is a controlled substance, as specified.

This bill would delete that provision

(3) Existing law authorizes the issuance of prescriptions for controlled substances only for legitimate medical purposes, and contains certain prohibitions relative to the placement of the responsibility for the proper prescribing and dispensing of controlled substances on the practitioner and the pharmacist. Violation of those provisions is a crime, and the clearly excessive furnishing of controlled substances by a pharmacist in violation of those provisions constitutes unprofessional conduct

This bill would prohibit a wholesaler or manufacturer, or the agent or employee of a wholesaler or manufacturer, from furnishing controlled substances knowing, or having a conscious disregard for the fact, that the controlled substances are for other than legitimate medical purposes. The bill would, in addition to imposing criminal penalties, include that conduct in the definition of unprofessional conduct for purposes of regulation of the wholesaler or manufacturer by the California State Board of Pharmacy. With respect to that definition of unprofessional conduct, it would also specify factors to be considered in determining whether the furnishing of controlled substances is clearly excessive.

(4) Existing law requires pharmacies and others who sell controlled substances obtained on federal order forms in response to prescriptions to maintain a file of those prescriptions for 3 years.

This bill would prohibit the delivery of certain controlled substances to, or their receipt by, a pharmacy or pharmacy receiving area unless the pharmacist or authorized receiving personnel signs a specified receipt, and would require the wholesaler or manufacturer that delivered the controlled substances to maintain the receipts and any record of discrepancy between the receipt and the type or quantity of the controlled substances received for a period of 3 years. A violation of this provision would be a misdemeanor, and thus this bill would impose a state-mandated local program by creating a new crime.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

Existing law and this bill provide criminal penalties that would be applicable to the above-described conduct relative to controlled substances.

This bill would impose a state-mandated local program by adding, and changing the definition of, crimes.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The bill would declare that it is to take effect immediately as an urgency statute

Ch 385 (AB 1901) Elder. State employees: assistance program: retirement.

Existing law confers various powers and duties regarding state employees upon the Department of Personnel Administration

This bill would require DPA to implement the State Employee Assistance Program and authorize related contracts, require, if a contract is entered into, the transfer of specified funds from the operating budget of each participating department to the State Payroll Revolving Fund, and require payments to contractors to be made pursuant to the master payment schedule and monthly DPA certification.

Existing law specifies certain payments which are not considered compensation for purposes of the Public Employees' Retirement Law.

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This bill would, in addition, exclude flight pay, physical fitness incentive pay, housing stipends, and relocation incidental expense allocations for employees in bargaining unit 6, with a retroactive operative date of July 1, 1985, with certain exceptions, and would exclude physical fitness incentive pay for employees in bargaining unit 7.

Existing law provides that any patrol, state safety, state industrial, or state peace officer/firefighter member of the Public Employees' Retirement System who is incapacitated for the performance of duty as a result of an industrial disability shall be retired for disability regardless of age or amount of service, with specified increased benefits.

This bill would, in addition, provide that certain state miscellaneous members employed by the Department of Justice in specified latent print analyst and supervisor classifications are entitled to those benefits.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 386 (AB 2648) Hill. Minors: temporary custody and detention

(1) Existing law authorizes peace officers, probation officers, and social workers to take temporary custody of suspected abused minors and sets forth the jurisdiction of the juvenile court, which may adjudge these minors, as defined, to be dependent children of the court. Existing law also sets forth the proceedings to be followed before a minor may be taken into custody or ultimately declared a dependent child of the juvenile court.

This bill would require any peace officer, probation officer, or social worker who takes a minor into temporary custody to immediately inform the parent, guardian, or responsible relative that the minor has been taken into protective custody and that a written statement adopted by the Judicial Council, as specified, and printed and distributed by the county, as specified, is available explaining their procedural rights and the preliminary stages of the dependency investigation and hearing, thereby imposing a state-mandated local program. The bill would specify, however, if an attempt at notification is made, as specified, that failure to notify the parents or guardians that the written information is available and is not to be construed to permit a new defense to any juvenile or judicial proceeding or to interfere with any rights, procedures, or investigations accorded under any other law.

This bill would also provide that certain kinds of information shall be included in the written statement required to be printed and distributed by the county.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 387 (AB 2661) Harris. Courts.

(1) Existing law establishes various fees for filing specified documents in court actions.

This bill would provide that there shall be no filing fee for a petition or response relating to a protective order, restraining order, or a permanent injunction restraining violence or threats of violence in an action to prevent domestic violence.

(2) The Constitution empowers the Judicial Council to enact rules for court administration, practice and procedure, not inconsistent with statute.

This bill would specifically authorize the Judicial Council to prescribe the methods, means, and standards for electronic collection of data related to court administration, practice and procedure.

(3) Existing law requires proceedings conducted in the justice, municipal, and superior courts in a death penalty case to be conducted on the record with a court reporter present.

This bill would require the court to assign a court reporter who uses computer-aided

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transcription equipment to report all proceedings in these instances.

Ch. 388 (AB 2787) Cortese. Business license taxation.

(1) Under existing law, a city, county, and city and county are authorized to levy a business license tax for certain purposes.

This bill would prohibit a city, county, or city and county from including the amount of gross receipts or the cost of the business license tax on the business license tax receipt, as defined. This bill would apply to a charter city or a charter county. It would make a legislative finding and declaration that protecting the privacy of a business's tax payments and gross receipts is a matter of statewide interest and concern.

This bill would impose a state-mandated local program to the extent it would require a city, county, or city and county to revise procedures regarding a business license tax receipt.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 389 (AB 2795) Kelley. Avocados

Existing law provides that provisions requiring the collection and dissemination of avocado industry market price information shall remain in effect only until January 1, 1987.

This bill would extend the duration of those provisions to January 1, 1992.

Ch 390 (AB 2925) Frizzelle. Mobilehome parks: security for rent and charges.

Existing law does not preclude the management of a mobilehome park from securing rent or other obligations under the park's rental agreements by acquiring liens or security interests affecting mobilehomes or manufactured housing in the mobilehome park.

This bill would prohibit management of a mobilehome park from acquiring any lien or security interest in a mobilehome located in the park except by mutual agreement between the homeowner and the management or by process issued to enforce a judgment.

Ch. 391 (AB 3257) Jones. Pistachios: marketing

(1) Existing law prescribes the power and duties of the California Pistachio Commission, defines "producer" and "grower" for purposes of the law relating to the commission to be a person who produces pistachio nuts and sold pistachio nuts in the preceding crop year, and requires that the nomination petition for members of the commission be signed by pistachio producers.

This bill would revise the definition of "producer" or "grower" to be a person who produces pistachio nuts and sells them. The bill would also specify that either pistachio producers or persons who are growing nonproducing pistachio trees for the purpose of becoming producers may sign nomination petitions.

(2) Under existing law, between September 1, 1985, and August 31, 1986, the commission is required to cause a referendum to be conducted among producers who are named in a list compiled by the Director of Food and Agriculture to determine whether the commission should be continued. Existing law prescribes the same voting requirements for this referendum that applied in the referendum necessary to implement the commission. The referendum to implement the commission required that either 65% or more of the producers who marketed a majority of the pistachios in the preceding season voted affirmatively, or that a majority of the producers who marketed 65% or more of the pistachios in the preceding season voted affirmatively.

This bill would require the commission to use pistachios marketed in the current

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season for the purposes of determining the vote on the referendum to reconfirm the commission if the commission determines that harvest and delivery of pistachios is complete.

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 392 (AB 3419) Hannigan. Yolo County Municipal Court.

(1) Existing law specifies the number, compensation, and classification of personnel of the Yolo County Municipal Court.

This bill would revise the number, compensation, and classification of personnel of the Yolo County Municipal Court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 393 (AB 3878) Chacon. Certificated noninstructional employees

Existing law provides that the governing board of each school district shall evaluate and assess the competency of certificated employees. Under existing law, evaluations of certificated noninstructional employees involve the consideration of competency as it relates to specified responsibilities. A copy of the evaluation and assessment must be transmitted to the employee within 30 days before the last school day.

This bill would require that a copy of the evaluation and assessment of noninstructional certificated employees, who are employed on a 12-month basis, be transmitted to the employee no later than June 30 of the year in which the evaluation and assessment is made, and that a meeting to discuss the evaluation be held by July 30 of that year, thereby imposing a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 394 (SB 993) Dills. Community colleges. financial aid services.

Existing law generally requires the governing board of each community college district to charge each student a specified fee per semester or per credit semester unit. Existing law also provides that specified requirements for forms for student financial aid do not apply to financial aid applicants who seek aid only for those fees and who enroll for less than 6 credit semester units, and requires the Chancellor of the California Community Colleges to prescribe a financial aid application for those students.

This bill would delete the latter provisions and instead would authorize student financial aid funds appropriated for the purpose of assisting students to pay the student fees to be awarded without regard to the requirements generally applicable to student financial aid programs.

This bill would declare that it is to take effect immediately as an urgency statute. If the bill is adopted prior to July 1, 1986, the provisions of the bill would become operative on July 1, 1986.

Ch. 395 (SB 1594) McCorquodale. Marketing orders

Existing law authorizes marketing order advisory boards to approve compensation not in excess of \$25 per day for members of the advisory boards.

This bill would increase this amount to \$50 per day

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Ch. 396 (SB 1713) Russell. Development projects.

Existing law relating to development project applications provides that each state or local agency shall compile one or more lists which shall specify in detail the information which will be required from any applicant for a development project

This bill would prohibit the inclusion within any list compiled pursuant to that provision of a waiver of the time periods within which a state or local agency shall act upon an application for a development project and would preclude any application from being deemed incomplete for lack of a waiver of time periods within which a state or local government agency shall act upon the application

Ch. 397 (SB 1790) Maddy. Courts: San Luis Obispo and Napa Counties.

(1) Existing law specifies the number, compensation, classification, and duties of personnel of the San Luis Obispo County Municipal Court

This bill would revise the number, compensation, classification, and duties of personnel for the San Luis Obispo County Municipal Court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law specifies the number, compensation, and classification of personnel of the Napa Municipal Court

This bill would revise the number, compensation, and classification of personnel of the Napa Municipal Court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 398 (SB 1821) Bergeson. California water districts: bonds.

(1) Under existing law, bonds for 2 or more improvement districts of the Irvine Ranch Water District or the Santa Margarita Water District may be issued and sold as consolidated bonds of the district, in substantially the same manner and upon the same terms and conditions as bonds of the entire district, subject to prescribed conditions and procedures

This bill would include the Moulton-Niguel Water District with those provisions

(2) Under existing law, special provisions authorize the Irvine Ranch, Moulton-Niguel, and Santa Margarita Water Districts to refund bonds in accordance with prescribed procedures and subject to specified conditions.

This bill would include the Rancho California Water District within those provisions.

(3) The bill would make legislative findings in this connection.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 399 (SB 1854) Hart. Health care service plans.

Existing law permits the California Medical Assistance Commission, at a county's option, to negotiate with any county for the provision of Medi-Cal services to all recipients in the county.

This bill would authorize the Board of Supervisors of Ventura County to establish a county commission for the purpose of negotiating an exclusive contract for the provision of Medi-Cal services in Ventura County

The bill would declare that it would take effect immediately as an urgency statute.

Ch. 400 (SB 1890) Doolittle. Geothermal revenues.

Existing law continuously appropriates 40% of the geothermal revenues deposited in the Geothermal Resources Development Account to the Controller for disbursement to counties of origin for expenditure for specified purposes

This bill would authorize the revenues disbursed to counties of origin, including unencumbered revenues already accumulated, to be expended for construction of jail facilities, thereby making an appropriation.

The bill would permit revenues disbursed to counties of origin to be expended for

purposes unrelated to geothermal development only in counties where there is no new geothermal development and substantial planning, maintenance, and environmental mitigation of geothermal development has been achieved.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 401 (SB 1919) Ayala. School site councils.

Existing law designates the composition of the membership of a school site council for schools that participate in school-based program coordination. Existing law provides that a representative of parents shall be part of the school site council. Existing State Department of Education regulations prohibit a school district employee from membership on a school site council as a representative of parents.

This bill would specify that a parent or guardian of a pupil attending a school for which a school site council has been established may represent parents in that school's school site council even if he or she is an employee of a school other than the school of attendance of his or her child or ward.

Ch. 402 (SB 1946) Russell Petty theft.

(1) Under existing law, petty theft is punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding 6 months, or by both such fine and imprisonment. In addition, every person who, having been convicted and imprisoned of petty theft, grand theft, burglary, or robbery, who is subsequently convicted of petty theft, upon conviction of the subsequent offense is punishable by imprisonment in the county jail not exceeding one year, or in the state prison.

This bill would impose a state-mandated local program by including auto theft under Section 10851 of the Vehicle Code within the above offenses for which a subsequent conviction of petty theft would result in additional imprisonment.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 403 (SB 1974) Campbell Driving schools.

Existing law requires a licensed driving school owner or an independent instructor to maintain liability insurance on motor vehicles in the amounts for one accident of \$100,000 for bodily injury to or death of one person, \$200,000 for bodily injury to or death of 2 or more persons, and \$20,000 for damage to property of others.

This bill would increase those required amounts to \$150,000, \$300,000, and \$50,000, respectively.

Ch. 404 (SB 2045) Vuich. Cattle: inspection fees.

Under existing law, until June 30, 1987, the Director of Food and Agriculture is required to establish and maintain a modified point-of-origin inspection area, with specified fees for inspection which are deposited in the Department of Food and Agriculture Fund which is continuously appropriated to the department in this instance, whenever the cattlemen owning cattle in the affected area request the action by a $\frac{2}{3}$ vote of those present at a public hearing. Other related cattle inspection provisions will also terminate on June 30, 1987.

This bill would delete the date of termination for the modified point-of-origin inspection requirements and related cattle inspection provisions, thus continuing the fees appropriated to the department and resulting in an appropriation.

Ch. 405 (SB 2051) Montoya. Weights and measures.

(1) Existing law regulates the licensing and operation of weighmasters.

This bill would clarify certain provisions relative to the issuance of, and information that is required to be contained in, weighmaster certificates.

(2) Existing law requires weighmasters to keep and preserve copies of voided certificates for 4 years.

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This bill would require weighmasters to also preserve records and worksheets for 4 years. The bill would impose a state-mandated local program since a violation of the requirement would be a misdemeanor.

(3) Existing law authorizes weighmasters to use predetermined tare weights when weighing specified rock products

This bill would exempt that procedure from specified weighmaster enforcement regulations.

(4) Existing law requires specified information to appear on weighmaster certificates issued for baled hay.

This bill required that the information, instead, appear on weighmaster certificates issued when adjustments are made to the load and the weights are determined at other than the site where the vehicle was loaded.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 406 (SB 2148) Hart. Courts Santa Barbara County.

(1) Existing law specifies the compensation of superior court reporters and the number, compensation, and classification of municipal court personnel in Santa Barbara County.

This bill would revise the compensation, of superior court reporters and the number, compensation and classification of municipal court personnel in Santa Barbara County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 407 (SB 2182) Robbins Child day care facilities. smoking

Existing state law regulates the smoking of tobacco in specified public places, and cities and counties have adopted ordinances to regulate smoking in various public places, but no law expressly regulates smoking in child day care facilities.

This bill would permit, notwithstanding any other provision of law, a city or county to enforce its ordinance regulating the smoking of tobacco in a private residence which is licensed as a child day care facility during the hours of operation as a child day care facility with respect to those areas of the facility where children are present.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would create a state-mandated local program by permitting a city to enforce a city smoking ordinance in a private residence which is licensed as a child day care facility, thus increasing prosecution costs for counties in some instances.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 408 (SB 2416) Garamendi. State agricultural policy

Under the Thurman Agricultural Policy Act, the Legislature is required to review the impact of actions taken on specified factors relating to agriculture.

This bill would revise the legislative findings and declarations relating to the act and add specified principles of the state's agricultural policy.

Ch. 409 (AB 2545) Robinson. Correctional facilities

Existing law contains the New Prison Construction Bond Act of 1981 and the New Prison Construction Bond Act of 1984.

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This bill would enact the New Prison Construction Bond Act of 1986, which, if adopted by the people, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$500,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state youth and adult corrections facilities.

The bill would take effect immediately as an urgency statute

Ch. 410 (AB 2668) O'Connell. Safe drinking water bonds.

The California Safe Drinking Water Bond Law of 1976 and the California Safe Drinking Water Bond Law of 1984 each provided for the issuance of state bonds and for the expenditure of the proceeds for state loans and grants for the construction, improvement, or rehabilitation of domestic water systems, as defined.

This bill would enact the California Safe Drinking Water Bond Law of 1986 which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not to exceed \$100,000,000 and expenditure of the proceeds for state loans and grants for those purposes. The bill would require any proceeds of bonds authorized to be issued under the 1976 and 1984 bond laws which are unused and uncommitted on the effective date of this bond law, to be used for loans and grants in accordance with this bond law.

The bill would permit existing rules and regulations adopted by the Department of Water Resources and the existing priority list established by the State Department of Health Services pursuant to the California Safe Drinking Water Bond Law of 1984 which are in effect on the effective date of the bond law to be utilized, upon voter approval of the bond law, until further revision as specified.

The bill would, if passed by the Legislature and presented to the Governor on or before July 11, 1986, provide for the submission of the bond law to the voters at the November 4, 1986, general election or, if not passed by the Legislature and presented to the Governor on or before July 11, 1986, at the next statewide election occurring at least 131 days after the effective date of the bill, and the bond law would take effect upon adoption by the voters. However, as to the remainder of the bill, including the procedural provisions governing the submission of the bond law, the bill would declare that it is to take effect immediately as an urgency statute.

Ch. 411 (AB 3027) O'Connell. Hazardous waste.

Existing law defines "hazardous," for the purpose of the statutes regulating hazardous waste, as a characteristic which has specified capabilities and which conforms to a criterion adopted by the State Department of Health Services

This bill would delete that definition.

Ch. 412 (AB 3165) Campbell. Civil law: automobile sales

Existing law provides that amounts advanced by the holder of an automobile sales contract to procure insurance on the vehicle, as specified, shall be secured by a lien, as specified, if the holder notifies the buyer of his or her option to repay those amounts in full or by way of amortization plans. Existing law provides that if the buyer does not pay in full or notify the holder of his or her choice regarding amortization, the holder shall amortize the amount in a specified manner

This bill would provide an additional method of amortization that may be chosen by the buyer if offered by the holder of the contract; that method, full amortization after the term of the conditional sale contract to be payable in installments, could, if so offered, also be chosen by the holder as a method of amortization if the buyer does not pay in full or notify the holder of his or her chosen method of amortization.

The bill also would provide that the holder may, rather than shall, amortize the amounts if the buyer does not pay in full or notify the holder of his or her choice regarding amortization.

Ch. 413 (AB 3549) Sher. Forest Resources Improvement Fund.

Under existing law, moneys in the Forest Resources Improvement Fund may be expended, when appropriated, for purposes relating to forest resources and to reimburse

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the General Fund for costs of operation of state forests administered by the Director of Forestry. Existing law requires proposed expenditures from the fund to be included as separate items in the Budget Bill.

This bill would recast these provisions and would specifically prohibit moneys in the fund from being used for the costs of administering the Z'berg-Nejedly Forest Practice Act of 1973.

The bill would become operative on July 1, 1987.

Ch 414 (SB 2608) Beverly. Veterans' farm and home purchases: revenue debentures.

Existing law provides farm and home purchase benefits to qualifying veterans pursuant to the Veterans' Farm and Home Purchase Act of 1974, administered by the Department of Veterans Affairs. Existing law authorizes the department to issue revenue debentures to provide funds in support of this program.

This bill would authorize the issuance of additional revenue debentures for these purposes, not to exceed \$500,000,000. The bill would also authorize the issuance of additional debentures if the total amount of debentures outstanding at any time does not exceed the total amount of debentures authorized by existing law and this bill. The proceeds of these issuances would, under other provisions, be deposited in the Veterans' Farm and Home Building Fund of 1970, a continuously appropriated fund, thereby making an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 415 (AB 2207) Konnyu. Public social services.

Existing law provides that every applicant for or recipient of public social services has a right to a fair hearing in order to appeal an action of a county concerning eligibility or the amount of services due the applicant or recipient.

Under existing law, the hearings are conducted by the director of the appropriate department, the administrative adviser of the department, or by a referee.

This bill would delete the authority of the administrative adviser to the department to conduct a hearing and would provide that administrative law judges, rather than referees, may conduct the hearings, with the exception of hearings conducted by the director of the appropriate department. The bill would specify the qualifications for administrative law judges appointed to the State Department of Social Services and the State Department of Health Services.

The bill would authorize the director of the appropriate department to delegate the authority to adopt final decisions to administrative law judges, as specified.

This bill would specify that the issues at a hearing shall be limited, as specified, and would require the award of a decision be determined no later than 30 days following the date the hearing decision is received by the county, or 30 days from the date certain additional information is provided to the county for compliance.

Under existing law, if regulations require a county to write a position statement concerning issues in a fair hearing, or a county chooses to do so, it shall provide a copy within a specified period.

This bill would make that requirement applicable to a public or private agency, instead, and would exclude the State Department of Health Services from that requirement.

Under existing law, the amount which may be expended in any fiscal year from the Revolving Loan Fund used to make loans to the aged, blind, or disabled due to blindness to enable them to establish themselves in business, professions, or gainful employment may not exceed the amount saved by the state as a result of discontinuance of aid due to the earnings of persons during the preceding fiscal year.

This bill would delete that expenditure limitation, thereby resulting in an appropriation.

Existing law authorizes the State Department of Social Services to establish a Disability Evaluation Revolving Fund, by withdrawing funds from the Federal Trust Fund, for the purpose of reimbursing medical service providers for certain costs incurred by the department for specified disability determination functions.

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This bill would repeal that authorization.

The bill would authorize the State Department of Social Services to transfer funds appropriated to the department in the 1986-87 fiscal year Budget Act for local assistance to support uses, thereby resulting in an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 416 (SB 777) Presley. Air pollution emissions. motor vehicle inspections.

Existing law requires the Department of Consumer Affairs to implement a motor vehicle inspection program to achieve compliance with motor vehicle pollution control requirements at the request of an air pollution control district or air quality management district located wholly or partly within a federally designated urban nonattainment area for the primary federal ambient air quality standards for ozone or carbon monoxide, and permits the district to designate any portion of its area for participation in the program.

Existing law also requires the department to implement the program as expeditiously as possible after January 1, 1983.

This bill would permit any district which is, or which contains, in whole or in part, a federally designated nonattainment area, whether or not an urban area, to request the department to implement the program in the portion of the district's area specified by the district. The bill would also delete the specific requirement that the department implement the program as expeditiously as possible after January 1, 1983.

Ch. 417 (AB 4216) Filante. Physicians and surgeons

(1) Existing law requires any person applying for licensure as a physician and surgeon who has acquired his or her professional instruction in a country other than the United States or Canada, to, among other things, complete one of several specified hospital courses, pass a specified written and oral examination, and, requires those applicants who apply on or after June 1, 1986, to be certified by the Educational Commission for Foreign Medical Graduates or its equivalent.

This bill would delete the June 1, 1986, application date for the certification by the Educational Commission for Foreign Medical Graduates and would rather provide that the requirement shall not apply to an applicant who has taken and passed the written examination, prior to January 1, 1986.

(2) Existing law requires an applicant for a physician's and surgeon's certificate who is a citizen of the United States and who completed his or her medical education in a medical school located outside the United States or Canada to, among other things, complete one year of supervised clinical training in an approved program.

This bill would provide that the training received in that clinical training program shall be considered as part of the total academic curriculum, as specified, and would authorize an applicant who has passed specified examinations for certification by the Educational Commission for Foreign Medical Graduates to submit those passing scores along with evidence of completion of the supervised clinical training program in satisfaction of the requirement for certification by that commission.

(3) Existing law provides for the issuance of a physician's and surgeon's certificate on reciprocity to an applicant who, among other things, has practiced medicine in another state in which he or she is licensed for a period of at least 4 years.

This bill would provide that the 4 years of practice may be in another state or states, or as a member of the active military, United States Public Health Services, or other federal programs.

(4) This bill would make other technical, nonsubstantive changes.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 418 (AB 2640) N Waters. School facilities.

Existing law provides for the allocation of state funds to school districts for various public school purposes.

This bill would appropriate \$200,000 to the Superintendent of Public Instruction for allocation to the Colfax Elementary School District for school facilities purposes, as specified.

This bill would specify that funds appropriated for the purposes of this bill are not

included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery Act of 1984.

This bill would take effect immediately as an urgency statute.

Ch. 419 (AB 3515) Bronzan. County health facilities financing assistance

Existing law creates the County Health Facilities [Financing]* Assistance Fund and requires the Controller to transfer to that fund various amounts, including \$25,000,000 out of any amounts received from a specified settlement under the Outer Continental Shelf Lands Act.

The bill would reduce the \$25,000,000 to \$10,000,000 out of any amounts received from the specified settlement under the Outer Continental Shelf Lands Act

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 420 (SB 2315) Deddeh. Sales and use taxes: exemptions steam and geothermal steam, brines, and heat.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from that tax. It exempts exhaust steam, waste steam, heat, or resultant energy produced in connection with cogeneration technology, as well as water when delivered to consumers through mains, lines, or pipes

This bill would specify for purposes of that exemption that water includes steam and geothermal steam, brines, and heat

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would declare legislative intent that the provisions of the act do not constitute a change in, but are declaratory of, the existing law.

This bill would take effect immediately as a tax levy.

Ch. 421 (AB 739) Jones. Department of Forestry: name change.

Under existing law, there is a Department of Forestry in the Resources Agency

This bill would change the name of the department, on and after January 1, 1987, to the Department of Forestry and Fire Protection. The bill would also prohibit any supplies, forms, insignias, signs, or logos from being destroyed or changed as a result of the name change and would require that they continue to be used until exhausted or unserviceable.

Ch. 422 (AB 2613) W. Brown. School district policies: extracurricular and cocurricular activities

Existing law authorizes the governing board of any school district to initiate and carry on any program, activity, or to otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts are established.

This bill would make certain statements of legislative intent including, but not limited to, the statement that this bill is intended not as a means of excluding students from extracurricular activities, but rather as a method of encouraging academic excellence.

This bill would require the governing board of each school district that maintains one or more schools containing any of grades 7 to 12, inclusive, as a condition for the receipt of an inflation adjustment in its state apportionment, to establish a policy that would ensure, as a condition for participation in extracurricular and cocurricular activities by pupils in grades 7 to 12, inclusive, as prescribed, satisfactory educational progress in the previous grading period. The bill also would require the governing board to review the adopted policy annually. This bill would establish definitions for extracurricular and cocurricular activities for the purposes of the bill.

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Ch. 423 (AB 4245) Hughes. Bonds.

The Leroy F. Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts.

This bill would enact the Greene-Hughes School Building Lease-Purchase Bond Law of 1986, which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed \$800,000,000 and the expenditure of the revenues therefrom to provide aid to school districts in accordance with the Leroy F. Greene State School Building Lease-Purchase Law of 1976 ; ~~and to provide funds to purchase relocatable child care facilities to lease to school districts that are qualifying child care and development contracting agencies, as specified*~~ Not more than \$400,000,000 in bonds would be authorized to be sold each year. The bill also would provide that not more than \$360,000,000 of the moneys shall be reserved for the reconstruction or modernization of facilities, as specified. The bill would authorize an amount not to exceed 5% of the proceeds from the sale of bonds to be used to purchase and install air-conditioning equipment and insulation materials, as specified.

This bill would provide for the submission of the proposed bond act to the electorate at the general election to be held November 4, 1986.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 424 (SB 2366) Hart. Higher Education Facilities Bond Act of 1986.

Existing law authorizes the issuance of revenue bonds for specified purposes of the University of California, the California State University, and the California Community Colleges.

This bill would enact the Higher Education Facilities Bond Act of 1986, which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed \$400,000,000 and the expenditure of the revenues therefrom to provide aid to the University of California, the California State University, the California Community Colleges, and the California Maritime Academy for educational facilities construction, as specified, and for the equipping of new, renovated, or reconstructed facilities with equipment with a useful life of at least 10 years. The bill would also provide that the proceeds of the bonds may be used to provide short-term loans to community colleges for the purchase of instructional equipment. The Higher Education Facilities Finance Committee would be established, as specified, to administer the act, and would be empowered to authorize the issuance and sale of bonds to the extent necessary to fund the education facilities construction apportionments expressly authorized by the Legislature in the annual Budget Act. No more than \$250,000,000 ~~in bonds*~~ would be ~~authorized to be sold in any one~~ [available for apportionment in the 1986-87 fiscal year, or more than \$150,000,000 in any subsequent fiscal]* year.

The bill would provide for the submission of the proposed bond act to the electorate at the general election to be held November 4, 1986.

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 425 (AB 3140) Bates. Community care facilities' licensure.

Under existing law, certain persons connected to community care facilities or day care facility centers, as defined, are, prior to facility licensure and subsequent to licensure, required to be fingerprinted and to obtain criminal record clearance. Licensees of these facilities are required, subject to criminal sanction, to terminate, remove, or bar from entering the facility any person who is found to have been convicted of specified crimes, unless the Director of Social Services grants an exemption. However, the director may not, under existing law, grant the exemption to a person convicted of any of certain offenses.

This bill would permit the director to grant an exemption in the case of a person convicted of certain of these nonexempt offenses if the employee or prospective employee has been rehabilitated and has maintained specified conduct, for at least 10 years and has the recommendation of the district attorney of the county of the employee's residence, or has received a certificate of rehabilitation.

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Ch 426 (SB 1540) Ellis Locksmiths: regulation.

Existing law does not require a locksmith to be licensed in order to lawfully perform his or her trade.

This bill would require that, on and after July 1, 1987, a locksmith, as defined, shall obtain a permit from the Bureau of Collection and Investigative Services in order to lawfully perform his or her trade. This bill would also specify (1) persons who are exempt from the permit requirement, (2) various requirements regarding the obtaining and maintaining of a permit, (3) those acts which may result in the revocation or suspension of a permit; (4) the fees for permit application and renewal; (5) that any fees obtained are to be deposited into the Collection Agency Fund and continuously appropriated for use by the bureau for the purposes of this act, and (6) that a violation of this act is a misdemeanor. This bill would, thus, impose a state-mandated local program by creating new crimes.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Collection Agency Fund. Because this bill would increase the amount of moneys in the Collection Agency Fund and make the moneys available for a new purpose, it would constitute an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 427 (SB 1657) Lockyer. Probation.

Existing law prohibits, except in unusual cases where the ~~intent~~ [interests]* of justice would best be served, the granting of probation to any person convicted of a violation of provision for assault with intent to commit, rape, sodomy, oral copulation, or any violations of specified sex offenses.

This bill would make clarifying changes in that provision.

Ch 428 (SB 2008) Dills. California State Lottery: advertising and promotion.

Existing law requires the California State Lottery Commission and the commission director to take into account the particularly sensitive nature of the lottery when making decisions and to act to promote and ensure integrity, security, honesty, and fairness in the operation and administration of the lottery.

This bill would provide that the commission and the director shall ensure that the lottery complies with both the letter and spirit of the laws governing false and misleading advertising.

Ch 429 (SB 2138) Beverly. Commission on Uniform State Laws

Under existing law, there is a Commission on Uniform State Laws consisting of 9 members, as specified.

This bill would add, as a member of the commission: (1) any person, not otherwise a member of the commission, elected as a life member of the National Conference of Commissioners on Uniform State Laws based upon service as a member of the commission, and (2) any person, not otherwise a member of the commission, who served as a member of the commission other than as an appointee of the Governor, for a period of at least 10 years.

Ch. 430 (AB 326) Felando. Commercial fishing employees.

Existing law provides that, with specified exceptions, every employee is subject to minimum wage and maximum hour orders of the Industrial Welfare Commission.

This bill would exempt employees engaged in commercial fishing, including commercial passenger fishing, from Industrial Welfare Commission minimum wage and maximum hour orders.

This bill would also state the intent of the Legislature with regard to the bill.

Ch 431 (AB 1231) Lancaster. State employees: supervisory employees.

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Existing law does not provide for the payment of supervisory salary differentials or health and retirement benefits for state supervisory employees at levels comparable with private industry and other governmental jurisdictions.

Commencing July 1, 1987, this bill would require the Department of Personnel Administration to conduct surveys of supervisory pay differentials existing in other governmental entities. It would require the department to report to the Governor and the Legislature by January 1, 1988, on the survey findings.

This bill would remain in effect only until January 1, 1988, or until the required report is submitted, whichever occurs later, and as of that date is repealed.

Ch. 432 (AB 1839) Wyman. Benefit assessments.

Existing law provides the legislative board of a local agency with the procedure for imposing a benefit assessment. Existing law provides that in the case of a benefit for flood control services, the benefit may be determined and levied on the basis of storm water runoff from each parcel. In the case of a utility right-of-way located within an area proposed to be assessed, existing law specifies that it be subject to assessment only if and to the extent it is found the utility right-of-way benefits from the service provided.

This bill would provide that proportionate storm water runoff may be used as a measure of benefit on an undeveloped parcel of land, as defined, only if, and to the extent that it is found that it will benefit from the service. It would make similar clarifying changes for assessments in the case of a utility right-of-way.

Ch 433 (AB 2682) Johnston. Cal-Vet: disabled veterans

Existing law provides for farm and home purchase benefits for qualifying veterans under the Veterans' Farm and Home Purchase Act of 1974, administered by the Department of Veterans' Affairs. Existing law specifies various circumstances under which a veteran purchaser may be granted a subsequent opportunity to purchase a farm or home under these provisions, such as the commencement of eminent domain proceedings against the home, a change in employment compelling a change in residence location, a change in residence compelled by health reasons, inadequacy in the home's living area because of a change in the number of the veteran's dependents, and increased real property taxes beyond the veteran's ability to pay.

This bill would, in addition, grant a subsequent opportunity to purchase a farm or home to a veteran who, after contracting with the department for the purchase of a farm or home, is determined by the United States Veterans' Administration to have a service-connected disability of 80% or more and to thereby require a different residence with special accommodations therefor. The bill would require the veteran to sell the 1st farm or home and pay the purchase contract in full, make application for the subsequent loan within 6 months of the sale, and pay the net equity toward the purchase of the 2nd farm or home.

The bill would take effect immediately as an urgency statute.

Ch. 434 (AB 2859) O'Connell. Vehicles: hazardous materials explosives: cargo tanks.

(1) Existing law requires any person who transports explosives to obtain a permit from the issuing authority, as defined.

This bill would prohibit an issuing authority from granting such a permit if the display of placards is required for that transportation, unless the person possesses a license for the transportation of hazardous materials or unless the explosives are a hazardous waste and the transporter is a registered hazardous waste hauler.

(2) Existing law prohibits any person under the age of 21 from being employed to drive, or from driving, a motor vehicle engaged in the transportation of hazardous substances or wastes.

This bill would define these hazardous substances or wastes according to a specified federal regulation.

(3) Existing law requires any motor carrier which transports hazardous materials to be licensed and subjects such a vehicle to inspection. The violation of these provisions is a misdemeanor. Existing law repeals these provisions on January 1, 1988.

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This bill would delete that repeal date, thereby imposing a state-mandated local program by extending the time period for a crime.

(4) Existing law requires local agencies which own or operate cargo tanks or tank vehicles to pay registration fees to the Department of the California Highway Patrol. This bill would repeal that requirement.

(5) Existing law provides that the original or renewal of registration for cargo tanks is for one year, commencing on the last day of the month when the applicant meets specified requirements and expiring at midnight of the next to last day of the same month in the next year.

This bill would provide that the registration commences on the day when the requirements are met and expires at midnight of the last day of the same month in the next year.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 435 (AB 2871) Costa. Victims of crime.

Existing law permits indemnification by the State Board of Control of victims of crime, as defined, for specified expenses incurred as a result of the crime. The types of remuneration allowed under these provisions include payment for various types of medical and medical-related expenses.

Existing law limits the total award which can be paid to, or on behalf of, a victim of crime for medical and other types of expenses to \$23,000, except that a total award of \$46,000 may be provided if federal funds are available.

This bill would, with respect to victims injured during 1985, allow the State Board of Control to award up to \$46,000 to, or on behalf of, the victim, if federal funds are available, so long as any expenses exceeding the \$23,000 limitation are medical or medical-related expenses, except for psychological or psychiatric treatment, or mental health counseling services.

Ch. 436 (AB 2996) Klehs. Enforcement of support judgments.

Existing law specifies procedures by which a judgment creditor may satisfy a money judgment out of moneys owed the judgment debtor by a public agency. Existing law provides that if the judgment is for support and money is owing and unpaid to the judgment debtor by a state agency as a result of overpayment of personal income tax, a related penalty, or interest, or interest allowable with respect to an overpayment, a district attorney may present the claim or claims through a specified affidavit procedure.

This bill would allow the use of this affidavit procedure to enforce support judgments against any money owed the judgment debtor by a state agency.

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 437 (AB 3032) Johnston. Liability. referral services and information libraries: veterinarians.

Existing law provides immunity from liability for certain referral services and information libraries of professional societies.

This bill would include professional societies of veterinarians within the list of professional societies to which these immunity provisions are applicable.

The bill would incorporate additional changes to Section 43.95 of the Civil Code, as proposed by AB 2858, if this bill and AB 2858 are both chaptered and this bill is chaptered last.

Ch. 438 (AB 3182) N Waters. New milk products.

Under existing law, upon the request of any interested person, the Director of Food and Agriculture may, by regulation, establish a temporary definition and standard for a new milk product pursuant to specified requirements and conditions and may issue a special permit for production of the product. Every definition, standard, and permit

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so established or issued expires after a specified period.

This bill would delete the above provisions. The bill would authorize the director, upon the request of any interested person, and in accordance with prescribed procedures and requirements, to grant a temporary standard, as prescribed, for a new milk product. The bill would permit a temporary standard to be renewed, in accordance with prescribed requirements, for a maximum duration of 3 years.

The bill would make these provisions applicable to all milk and dairy products and products resembling milk products, except for combination milk and food products and special varieties of cheese, as specified

Ch. 439 (AB 3249) Katz. Private school buildings: earthquake construction.

Existing law prescribes certain earthquake protection standards in the construction, reconstruction, or alteration of public schools.

This bill would state findings of the Legislature concerning the danger to students in private schools from earthquakes and the Legislature's intent that children attending private schools be afforded life safety protection similar to that of children attending public schools

This bill would prohibit, commencing on July 1, 1987, the construction of a private school structure unless the drawings and specifications comply with specified provisions and are approved by the applicable enforcement agency, as defined.

This bill would require that local enforcement agencies, as defined, using prescribed procedures, review the design and inspect the construction, reconstruction, or alteration of private school structures, and ensure that the construction work is performed in accordance with the approved drawings and specifications and with the provisions of this bill.

This bill would prescribe procedures that engineers and architects must comply with when they are constructing, or altering a private school structure, as defined.

This bill would impose a state-mandated local program by requiring local governmental entities to perform various tasks relative to the construction, reconstruction, or alteration of private school buildings, including ensuring that construction work is performed in accordance with the provisions of this bill, and by making it a crime for any person to willfully violate the provisions of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 440 (AB 3448) Bane. Gaming clubs: registration.

Existing law requires individuals to obtain a valid registration from the Attorney General prior to operating a gaming club.

Existing law defines the term "gaming club" as meaning any establishment where legal gambling is conducted and regulated pursuant to local ordinance.

This bill would revise the definition of the term "gaming club" to include any establishment where legal gambling is conducted

This bill would authorize the Attorney General to issue a conditional registration in order to allow sufficient time to complete the required background investigations of applicants without causing undue hardship to applicants involved in the gaming industry

Existing law authorizes an application for registration to be denied if the person, among other things, has been convicted of an offense involving dishonesty

This bill would expand the scope of this authorization to deny a registration application to include situations where a person has engaged in an act involving dishonesty charged or chargeable as a criminal offense relating to the acquisition of ownership or

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the operation of a gaming club, or has been convicted of an offense involving dishonesty. This bill would provide that the expanded scope of this authorization shall be applicable only with respect to acts committed on or after January 1, 1987.

This bill would provide that notwithstanding any other provision of law, the Attorney General, or his or her representative, may require an applicant for registration to reveal the facts and circumstances of any arrest for illegal gambling activities, or any act of dishonesty, regardless of whether or not the arrest resulted in a conviction.

This bill would provide that notwithstanding any other provision of law, an investigation of an applicant's qualifications for registration may include review of his or her criminal history information pursuant to specified provisions of existing law, including records of arrests which did not result in a conviction.

Ch. 441 (AB 3459) Stirling. County Employees' Retirement Law of 1937: lump-sum death benefits—optional supplement.

A provision of the County Employees' Retirement Law of 1937, the application of which in any county is contingent upon adoption by the county board of supervisors, requires, upon the death of a retiree, payment to a designated beneficiary or his or her estate of a lump-sum death benefit of \$750 to be provided from contributions of the county or district.

This bill would authorize the board of retirement to supplement the above \$750 lump-sum death benefit by an amount of \$250 from specified surplus earnings. This bill would not become operative in any county until such time as the board of retirement determines that the supplemental benefit can be financed from the surplus earnings which exceed 1% of the total assets of the system. This new authorization would impose state-reimbursable state-mandated local negotiating costs since its exercise would be subject to negotiation under the existing law relating to local public employer-employee relations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 442 (AB 3907) Bradley. Mobilehomes

(1) Under existing law, dealers are required to obtain a branch license in various instances when they display a mobilehome or manufactured home away from their principal place of business.

This bill would delete several of those requirements.

(2) Under existing law, it is unlawful to sell, offer for sale, rent, or lease certain manufactured homes, mobilehomes, and recreational vehicles unless specified equipment meets the requirements of the Department of Housing and Community Development. Certain others of these units are required to bear a federal label or insignia.

This bill would exempt units from the above requirements if they are sold to the federal government for use on federal lands.

(3) The bill would also require mobilehomes and similar units to comply with insignia and inspection requirements and would require special purpose commercial coaches to comply with specified fire protection standards. Since existing statutes would make violation of this provision a misdemeanor, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified

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reason

Ch 443 (AB 3936) N Waters. Cities: referral of land use proposals.

(1) Existing law prescribes procedures for a city to request that a county refer to the city any proposal to adopt or amend a general plan, specific plan, or zoning ordinance if the proposed action affects territory within the planning review area, as defined, of the city. Under existing law, the county is required, with prescribed exceptions, to make the requested referrals and the city is permitted to make recommendations on the proposals and the county is required to consider the comments of the affected cities.

This bill would enact a similar procedure whereby a county may request the city to refer those proposed actions to the county if the proposed action affects territory within the planning review area of the county.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

The bill would impose a state-mandated local program by requiring cities to respond in a specified manner to requests from counties which would be affected by land use actions of the city.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 444 (AB 3972) Areias. State property demonstration project.

Under existing law, the Department of General Services has various duties and responsibilities concerning state property.

This bill would require the Department of General Services to implement a state property management demonstration project, within a defined geographic region, to be determined by the department.

The bill would require the department to implement the project through contracts with various types of consultants, who would provide various services aimed at ascertaining more effective means of managing state property.

The bill would require the department to appoint an advisory committee to assist with the demonstration project.

The bill would require the department to submit the final recommendations of the consultants, and any comments made on those recommendations by the advisory committee, to the Governor and the Legislature.

The bill would permit the federal government and local governments to participate in the project by adding funds in exchange for specified consulting services.

The bill would appropriate \$125,000 from the Property Acquisition Law Account to the Department of General Services in order to implement the bill.

Ch. 445 (AB 4295) Stirling. Adoption.

(1) Existing law provides procedures for the adoption of children.

This bill would require the State Department of Social Services to establish a statewide photo-listing service to serve all licensed adoption agencies. It would require the photo-listing service to maintain a book that contains a photograph and description of each child who has been legally freed and whose case plan is adoption, with specified exceptions. It would require all licensed adoption agencies to send to the photo-listing service, within 15 working days of the time that a child becomes free for adoption, a recent photograph and description of the child and it would require the agencies to provide updated information, as prescribed. It would also require the department to promulgate certain regulations concerning the operation and monitoring of the photo-listing service. The bill would not apply to independent or intercountry adoptions. The bill would establish a state-mandated local program as the requirement regarding licensed adoption agencies would be applicable to county adoption agencies.

(2) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish *procedures for making that reimbursement*.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Ch. 446 (SB 173) Mello. Respite care services.

Under existing law, the Department of Aging administers various programs for elderly and functionally impaired persons.

This bill would establish a project for the provision of respite care for eligible frail elderly and functionally impaired persons and their caregivers, both in the home and out of the home, as specified.

The bill would set forth various duties which shall be performed by the department in administering this program, as well as criteria for selecting grantees.

The bill would also appropriate \$50,000, without regard to fiscal years, for the purposes of the bill, as specified.

This bill would repeal its provisions as of January 1, 1989.

Ch. 447 (SB 1768) Craven. Property taxation: changes in ownership.

Existing property tax law requires the reassessment of real property upon a change of ownership and specifies what transfers of property do and do not constitute a change in ownership. It also provides that until January 1, 1989, any transfer, on or after January 1, 1985, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, or other specified entity formed by the tenants of the park for the purpose of purchasing the park is not a change in ownership for reassessment purposes.

This bill would extend the exclusion to any transfer or transfers, on or after January 1, 1985, and before January 1, 1987, of the rental spaces in a mobilehome park to the individual tenants thereof if (1) at least 51% of the spaces are purchased by individual tenants renting their spaces prior to purchase; and (2) the tenants, within 1 year of the 1st purchase by a tenant of a rental space, form a nonprofit corporation, stock cooperative corporation, or other entity to operate and maintain the park. This bill would preclude the reappraisal of the individual spaces by the assessor if the assessor is notified during the period specified of an intention to comply with the bill's conditions and would require the levy of escape assessments with respect to the spaces so transferred if these conditions are not satisfied. This bill would provide that these provisions shall apply only with respect to rental mobilehome parks which have been in operation for 5 years or more.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by requiring assessors to reassess certain real property in conformity with the bill's provisions.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 448 (SB 1841) Campbell. Local agencies.

Existing law authorizes the creation of community service districts. Existing law does not generally authorize these districts to fund the activities of a municipal advisory council.

This bill would give the Mission Viejo Community Services District this authorization, as specified.

The bill would make legislative findings and declarations with regard to the need for

a special law applicable to Mission Viejo Community Services District.

Under existing law, community services districts are generally authorized, with specified exceptions, to fix and collect, in accordance with prescribed procedures, water standby or availability charges of not to exceed \$10 per acre per year for each acre of land, or \$10 per year for each parcel of land less than an acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would increase that limit, in the Smith River Community Services District only, to \$48 per year or \$4 per month for each acre, or \$48 per year or \$4 per month for a parcel less than an acre. The bill would make legislative findings and declarations as to the need for a special law applicable to the Smith River Community Services District.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 449 (SB 2477) Ellis. 1911 Improvement Act. assessments.

(1) Under the Improvement Act of 1911, assessments may be levied pursuant to specified procedure on land for the cost of constructing sidewalks, curbs, and other specified public improvements fronting the property.

This bill would make those procedures inapplicable to the repair, resurfacing, or maintenance of streets and, with specified exceptions, to property fronting, adjacent to, or in conjunction with, an arterial or collector street, which is defined as a street with more than one traffic lane in each direction, or a street on which more than 70% of the daily vehicle trips originate or end outside the proposed assessment area. The bill would make those procedures applicable to the construction of a parking lane on arterial and collector street sections. The bill would define "parking lane" for this purpose and would require repayment of the assessment to the then current property owner if the parking lane is subsequently converted to another use.

(2) Under that act, owners of the property are required to be notified of a hearing at which the local agency legislative body will hear objections and protests. However, majority protest procedures are not applicable to these proceedings.

This bill would make the majority protest procedures applicable to these proceedings and, following a majority protest, would prohibit any further proceedings unless the protest is overruled by a $\frac{2}{3}$ vote of the legislative body.

(3) The bill would make applicable to the act, provisions of the Municipal Improvement Act of 1913 allowing the legislative body to defer the payment of assessments.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 450 (AB 4024) N. Waters. Fairs funding.

Under existing law, all revenues paid to the state from satellite wagering facilities located at fairs are required to be deposited in a separate account in the Fair and Exposition Fund. The money in the account is available to the Department of Food and Agriculture, when appropriated, for repayment of principal and interest on bonds of a joint powers agency issued for improvements only at a fair's racetrack inclosure and, upon approval by the Director of Food and Agriculture, for support purposes of fairs generally.

This bill would require the director, when allocating the money for fire and life safety improvement projects, California Administrative Code compliance projects, and long-term maintenance projects at fairs, to make allocations in accordance with a project schedule determined by the department. The department would be required to prepare a 3-year schedule for these projects and to update the schedule annually. The initial schedule and annual updates would be required to be submitted to the Legislature.

Ch. 451 (AB 4063) Wright. Community colleges.

(1) Existing law provides that the governing board of any school district may authorize students who would benefit from advanced scholastic or vocational work to attend a community college as special part-time students and that those students would receive credit for community college courses that they complete in the same manner as regularly enrolled community college students.

This bill would provide, instead, that those students would receive credit for com-

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munity college courses that they complete at the level determined appropriate by the school district and community college district governing boards. The determination of the level of credit received by students for these courses would impose a state-mandated local program on school districts

(2) Existing law provides that a parent or guardian of a pupil who is not enrolled in a public school may directly petition the president of any community college to authorize the attendance of the pupil at the community college as a special full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work.

This bill would provide that the parent or guardian may directly petition the president to authorize the attendance of the pupil as a special part-time student also.

The bill also would make a conforming change in the law with respect to the attendance of special full-time students at community college

(3) Existing law provides for the Community College Fund for Instructional Improvement, which consists of a revolving loan program and a direct grant program to support educational programs and services

This bill would reappropriate for specified purposes unencumbered prior-year balances as of June 30, 1986, of the Fund for Instructional Improvement and would make them available for encumbrance until June 30, 1987

The bill would make an appropriation by extending the term for which an existing appropriation is available

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 452 (AB 4165) Killea Hazardous waste treatment

Existing law requires persons disposing of hazardous waste to follow the regulations adopted by the State Department of Health Services and requires persons disposing of extremely hazardous waste to notify the department and to process the waste, as specified

This bill would require the Director of Health Services to notify the Republic of Mexico and every state which is contiguous to this state whenever certain actions concerning hazardous waste disposal restrictions are taken, by requiring the director to send a letter, by registered mail, containing specified information.

Ch 453 (AB 4276) Vasconcellos Education: classroom preparation.

Existing law provides that each pupil of limited English proficiency enrolled in the California public school system shall receive instruction in his or her primary language. Existing law specifies that not more than $\frac{2}{3}$ or less than $\frac{1}{3}$ of the class shall consist of pupils of limited English proficiency

This bill would authorize an exception to these classroom proportions for the purpose of providing effective instruction for all pupils in core academic subjects, as specified.

Ch 454 (SB 1514) Doolittle. Irrigation districts: elections.

(1) Under existing law, voters in irrigation district elections are generally required to be resident voters of the district

This bill would require voters in the Big Springs Irrigation District and the Princeton-Codora-Glenn Irrigation District to be owners of real property in the district and would specify that voters need not be district residents. The bill would specify the voting rights of multiple owners, and would authorize voters or specified legal residents [representatives]* to vote at district elections either in person or by proxy appointed as specified. The bill would make any such voter eligible to be a member of the district board of directors.

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The bill would impose a state-mandated local program by requiring elections in the Big Springs Irrigation District and the Princeton-Codora-Glenn Irrigation District to be conducted in accordance with the bill.

(2) Under existing law, any irrigation district having less than 2,500 acres, having less than 25 voters, and having only 3 divisions may abolish the divisions in accordance with prescribed procedures.

This bill would increase the number of permitted voters to 100.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 455 (SB 1843) Bergeson Water rights temporary permits urgency changes

(1) Under existing law, the State Water Resources Control Board is authorized to issue, in accordance with specified procedures, and upon making specified findings and determinations, a conditional, temporary permit to appropriate water to an applicant who has an urgent but only temporary need to divert and use water for a period not to exceed 6 months. The board may also issue such a permit, in accordance with those procedures, to a person who is an applicant for a regular permit to appropriate water, when the board finds that the person has a need to divert and use water under unforeseen emergency conditions, as specified.

This bill would revise those provisions to permit any person who has an urgent need, as defined, to divert and use water to apply for a conditional, temporary permit in accordance with prescribed procedures, and would permit the board to delegate to any employee its functions under these provisions subject to subsequent review and validation by the board as prescribed. The bill would make related changes.

(2) Under existing law, the board, in accordance with prescribed procedures, and upon making specified findings and determinations, may issue to an existing permittee or licensee a conditional, temporary change order to change a point of diversion, place of use, or purpose of use from that specified in the permit or license under emergency conditions, as defined.

This bill would instead require the permittee or licensee to have an urgent need, as defined, to change a point of diversion, place of use, or purpose of use in order to petition for the conditional, temporary change order and would make related changes.

Ch. 456 (SB 1881) Montoya. Mobile cosmetological units

Existing law requires cosmetological establishments to be licensed and registered with the State Board of Cosmetology. There is currently no authorization for the licensing and registration of mobile cosmetological units.

This bill would authorize the licensing and registration with the board of mobile cosmetological units in accordance with a prescribed procedure.

This bill would make it an infraction to operate a mobile cosmetological unit that is not registered and licensed, and to employ unlicensed persons in a mobile cosmetological unit, thus it would impose a state-mandated local program.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Board of Cosmetology's contingent fund. Because this bill would increase the amount of moneys in the Board of Cosmetology's contingent fund by requiring the payment of specified fees in order to license mobile cosmetological units, it would constitute an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this bill for a specified reason.

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Ch. 457 (SB 2044) Vuich. Bees. apiary inspection.

(1) Under existing law, until January 1, 1987, the county or state apiary inspector is required to enter any premises and inspect an apiary if a disease is brought to the inspector's attention in writing. The inspector is required to report on the inspection to the beekeeper and take specified action depending on the results.

This bill would extend the aforementioned provisions until January 1, 1989, thereby imposing a state-mandated local program by continuing the requirements for the county apiary inspectors.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 458 (SB 2050) Dills. Alcoholic beverages

Existing law authorizes a hotel or motel which has a license to sell alcoholic beverages to sell those beverages to its registered guests by means of a controlled access alcoholic beverage cabinet, as defined, under prescribed conditions and requires the hotel or motel to also have an off-sale general license if distilled spirits are sold from those cabinets.

This bill would delete the requirement that the hotel or motel have an off-sale general license and would specifically authorize a hotel or motel having an on-sale general license, upon issuance of a permit from the Department of Alcoholic Beverage Control, to sell distilled spirits from its controlled access alcoholic beverage cabinets provided the distilled spirits are sold in containers of 50 milliliters or less or in containers of comparable size. The department would be required to charge an annual fee, as specified, for the permit. If the hotel or motel has both an on-sale general license and an off-sale general license it would not be required to obtain a permit from the department

Ch. 459 (SB 2164) Mello. Safe drinking water grants.

Existing law (The California Safe Drinking Water Bond Law of 1984) permits bond proceeds in the California Safe Drinking Water Fund to be used for a grant program, with grants provided, subject to specific approval of the Legislature, to water suppliers that are political subdivisions of the state, that are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law.

This bill would authorize grants not to exceed \$400,000 each from the California Safe Drinking Water Fund to specified entities for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with the bond law.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 460 (SB 2400) Seymour. Real property.

Provisions of existing law, which will become operative January 1, 1987, require specified written disclosures to be made to prospective transferees of real property in certain transactions.

This bill would add to the covered transactions exchanges, options to purchase, and certain transactions involving residential stock cooperatives.

It would exempt transfers by foreclosure sale, as specified.

It would specify that in the case of a real property sales contract or by a lease with an option to purchase, the disclosure shall be made as soon as practicable before execution of the contract, which would be defined as making or accepting an offer

Existing law provides that a transferor or transferor's agent is not liable for an error in information delivered if, among other circumstances, a report by any of various professional licensees is provided to the prospective transferee pursuant to a request by

the transferor or agent.

This bill would eliminate the requirement that the request be by the transferor or agent.

The bill would revise the required disclosure form and require disclosure of information relating to the gas supply and would revise the agent's inspection disclosure to, among other things, provide for disclosure by the seller's agent or the agent that obtained the offer.

The bill would also repeal a provision that requires a statement as to structural additions or significant components be made before the transfer of certain real property.

Ch. 461 (SB 2563) Vuich. Credit unions.

(1) Under existing provisions of the California Credit Union Law, the equity capital of a credit union includes fees and assessments paid by credit union members and held in a contingency reserve account established by the credit union's board of directors or at the direction of the Commissioner of Corporations.

This bill would exclude from equity capital of a credit union, fees charged in connection with member share accounts or loans

(2) Existing statutory law sets forth a schedule establishing the minimum amount of fidelity bonds for treasurers and chief financial officers of credit unions based on gross assets of the credit union.

This bill would instead require the minimum amount of these bonds to be established by regulation of the commissioner.

(3) Under existing law a credit union's credit committee or credit manager is required to be provided with obligations considered by loan officers within 7 days.

This bill would delete this time limitation.

(4) Under existing law the credit manager of a credit union is required to prepare prescribed monthly reports.

This bill would delete that requirement.

(5) Existing law requires a credit union to credit to its regular reserve any sums recovered on items previously charged to the reserve.

This bill would require these sums to be first used to offset any increases in the allowance for loan losses account of the credit union

The bill would also make clarifying changes.

Ch. 462 (SB 2590) Craven. State boards and commissions.

Existing law provides for the establishment of various state boards and commissions. In some instances, members of these boards and commissions are allowed a per diem amount in excess of actual expenses incurred by the member.

This bill would provide that, notwithstanding any other provision of law, with specified exceptions, whenever a member of a board, commission, committee, or similarly constituted body created by executive order or statute, is authorized to receive a per diem salary or allowance in excess of expenses incurred, that rate shall be established at \$100 per day unless a higher rate is provided by statute.

Ch. 463 (AB 2187) M. Waters Hazardous materials.

(1) Existing law requires every county to implement provisions relating to governmental responses to releases or threatened releases of hazardous materials and the filing of business plans and inventories by businesses handling hazardous materials, except that a city may assume that responsibility within the boundary of the city by the enactment of an implementing ordinance.

This bill would prohibit any city from assuming implementation of these provisions unless the city has enacted an implementing ordinance or adopted an implementing resolution within 60 days after the Office of Emergency Services adopts regulations, which are required to be adopted by September 1, 1986, or unless it has an agreement with the county that it may do so, except that a new city would have one year from the date of incorporation to enact an implementing ordinance or adopt an implementing resolution. The bill would require the ordinance to contain specified penalty provisions.

(2) Existing law requires the office to adopt regulations not later than May 31, 1986,

establishing standards for business plans and area plans for release or threatened releases of hazardous materials. County administering agencies are required to submit a copy of the proposed area plan within 120 days after these regulations are adopted.

This bill would extend the date for adoption of the regulations by the office to September 1, 1986, and would revise regulation requirements. The bill would require any city administering agency, in addition to county administering agencies, to submit its area plan to the office for review within 180 days after adoption of the regulations for area plans. The bill would impose a state-mandated local program by requiring administering agencies to certify to the office every 3 years that they have reviewed area plans and made needed revisions.

(3) Existing law requires any business handling, including storing, a hazardous material to establish a business plan for emergency response to a release or threatened release of a hazardous material, except that hazardous materials in specified products or formulations are exempt unless the administering agency has found and given notice to the contrary. Those businesses are also required to submit an annual inventory of hazardous materials handled by the business. An administering agency is authorized to exempt a handler of hazardous materials from any portion of a business plan if it makes written findings. An administering agency is authorized to exempt a hazardous material from the inventory requirements if certain proof is presented to the agency. The administering agency is required to require that all business plans have 24-hour availability to emergency rescue personnel. A business is required to report any release or threatened release of a hazardous material. An administering agency is authorized to impose a fee on any business required to submit a business plan.

This bill would define "store" to exclude the storage of hazardous materials in transit, as specified.

The bill would revise the requirements for an exemption for a business handling a hazardous material and the conditions under which a handler of hazardous material may be exempted from a business plan and would require a business establishing a business plan to also implement the plan. The bill would require an administering agency to exempt a business operating a farm from filing specified portions of a business plan, upon meeting certain requirements. The bill would also authorize the administering agency to exempt certain hazardous materials from the inventory requirements if it makes a specified finding. The bill would require an inventory form to be filed on or before January 1, 1988, and annually thereafter and would require a business plan to be reviewed on or before January 1, 1988, and at least once every 2 years thereafter. The bill would require the administering agency to provide all information obtained from completed inventory forms, upon request, to emergency rescue personnel on a 24-hour basis.

The bill would allow an administering agency to collect specified information for purposes of the business plans and inventory forms required to be submitted during 1987 and to collect the inventory information from other public agencies.

The bill would revise the requirements for the information to be included in the business plans and inventory forms and would allow certain pipeline operators to file a pipeline operations contingency plan instead of a business plan. The bill would exempt cities and counties which had a specified ordinance in effect on September 1, 1985, from implementing the regulations adopted by the office concerning business plans. The bill would exempt specified portions of the business plan from public inspection requirements and would authorize any employee or authorized representative of an administering agency to inspect the premises of a business which handles hazardous materials.

The bill would exempt persons engaged in the transportation of hazardous materials which is subject to specified requirements from the release reporting requirements.

The bill would allow a county board of supervisors to apply to the Controller for a loan on or before January 1, 1987. The bill would appropriate funds from the General Fund to the Controller necessary to make these loans.

The bill would specify that compliance with the hazardous material reporting requirements is not to be deemed compliance with the duty of care required of any business for the purpose of any other judicial or administrative proceeding. The bill would require an administering agency, when determining the fees imposed on businesses, to

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take into consideration the volume and hazard potential of the hazardous material.

The bill would provide that any person convicted of willfully preventing, interfering with, or attempting to impede the enforcement of the hazardous materials requirements is guilty of a misdemeanor, thereby imposing a state-mandated local program

The bill would require that all civil and criminal penalties collected pursuant to the hazardous materials reporting provisions are to be apportioned in a specified manner, except that \$200 of each penalty would be required to be deposited in the Hazardous Material and Waste Training Fund, which this bill would establish in the General Fund and which would be available to the Office of Criminal Justice Planning, upon appropriation by the Legislature, to fund the training of specified public officers in hazardous material and waste law enforcement

The bill would require that any civil actions brought pursuant to the hazardous materials reporting provisions are to be brought in the name of the people of the State of California. The bill would also specify the level of proof required when issuing a temporary restraining order or an injunction pursuant to these provisions.

The bill would delete the authority of the State Department of Health Services to issue regulations concerning the payment of awards to informants and would instead specify procedures for the payment of these awards, including payment by the Attorney General after appropriation by the Legislature.

The bill would authorize the Office of Emergency Services to adopt emergency regulations to implement the business plan and inventory form requirements

The bill would revise definitions and make conforming changes.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for specified reasons.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 464 (AB 2572) N Waters Department of Food and Agriculture administrative expenses.

Under existing law, the Director of Food and Agriculture may apportion and charge expenses, as specified, incurred by the Department of Food and Agriculture in rendering administrative services to any bureau, division, board, or other agency of the department which is supported by other than General Fund appropriations

The bill would specify that the share of expenses charged shall be limited to costs for which direct benefits are derived.

Ch. 465 (AB 3968) Sher. California Coastal Commission: disposal of hazardous waste at sea.

The California Coastal Act of 1976 requires each local government within the coastal zone to prepare a local coastal program which is approved and certified by the California Coastal Commission. Any person performing or undertaking any development in the coastal zone, with exceptions, is required to obtain a coastal development permit from the commission or the local government

This bill would require the commission to consult with specified state agencies and local governments prior to taking any action on (1) a local coastal program or any amendment thereto, (2) any coastal development permit, or (3) any consistency determination or certification, which relates to the disposal of hazardous waste at sea.

Ch. 466 (AB 4226) N Waters. California Tahoe Conservancy.

Under existing law, the tort immunity provisions for public entity liability have been extended until January 1, 1987, to certain real property acquired by the California Tahoe Conservancy in the Lake Tahoe region.

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This bill would extend those tort immunity provisions from January 1, 1987, to January 1, 1989.

Ch. 467 (SB 1664) Robbins. Insurance: benefit and relief associations.

Existing law authorizes the operation of certain firemen's, policemen's, or peace officers' benefit and relief associations and specifies the membership qualifications thereof.

This bill would authorize emergency medical services personnel employed by a fire department to be members of a benefit and relief association.

Ch. 468 (SB 1675) Doolittle. Quarantine inspection

Existing law makes it unlawful to move into California any outdoor household article from a federally designated high-risk gypsy moth area unless accompanied by an inspection certification.

This bill would make the prohibition applicable instead to federally regulated gypsy moth areas

Ch. 469 (SB 1676) Hart. Injurious objects: notification to law enforcement.

Existing law defines an injurious object and authorizes a certificated employee, or a classified employee designated by the district governing board, to take an injurious object from the possession of a student under specified circumstances.

This bill would additionally provide that a school employee may initially contact a law enforcement agency concerning a student or adult who possesses an injurious object while on school premises or under the authority of school personnel. If a school employee elects to notify a law enforcement agency, the bill would prohibit any administrative or civil proceeding against the employee for violation of any local policy or procedure relating to the notification of a law enforcement agency.

Ch 470 (SB 1763) Ayala. Motor vehicle liability insurance. premium rates

Existing law requires an insurer, in issuing a policy of automobile insurance, to inform the insured of the manner in which the insurer's rating plan provides for an increase in premium amount based upon accidents or convictions, as specified.

This bill would prohibit a motor vehicle liability insurer's rating plan from providing for a premium increase based upon an accident when the insured is not at fault, in any manner.

Ch. 471 (SB 1986) Robbins. Teachers' retirement.

Existing law relating to discontinued local school district retirement systems provides that the governing board may provide that members of the annuity reserve fund board may be paid \$50 for each meeting, not to exceed one meeting each month when they are not being paid by the governing board for any other assignment and provides for investment of that fund.

This bill would authorize the governing board to pay members of the annuity reserve fund board \$100 for each meeting attended under the same restrictions. This bill would also revise and update the investment provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 472 (SB 2074) Foran. Industrial loan companies' reserve ratios.

Existing law specifies the maximum amount of investment certificates an industrial loan company may have outstanding in relation to its paid-up and unimpaired capital and unimpaired surplus.

Existing law prohibits an industrial loan company from having outstanding at any time during its first 12 months of operation as an industrial loan company investment certificates, with specified exceptions, in an aggregate sum in excess of 3 times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends

This bill would increase the maximum allowable sum investment certificates to 6 times the aggregate amount of paid-up and unimpaired capital and unimpaired surplus not available for dividends.

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Existing law provides that after 12 months of operation as an industrial loan company and during the next 12 months of operation the industrial loan company may file an application with the Commissioner of Corporations seeking authority to increase the aggregate sum of its investment certificates which, with specified exceptions, are prohibited from exceeding 6 times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends.

This bill would increase the maximum allowable sum of investment certificates to 8 times the aggregate amount of paid-up and unimpaired surplus not available for dividends.

Existing law provides that after 24 months of operation as an industrial loan company, and during the next 12 months of operation, an industrial loan company may file an application with the commissioner seeking the authority to increase the aggregate sum of its investment certificates, as specified, which in no event shall exceed 8 times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends.

This bill would increase the 12-month limitation on months of successive operation following the first 24 months to 24 months, and also increase the maximum allowable sum of investment certificates to 12 times the aggregate amount of its paid-up and unimpaired surplus not available for dividends.

Existing law provides that after 36 months of operation and during the next 12 months of operation an industrial loan company may file an application with the commissioner seeking authority to increase the aggregate sum of its investment certificates which, with specified exceptions, are prohibited from exceeding 12 times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends.

This bill would delete that provision.

This bill would provide that if, after 36 months of operation as an industrial loan company, the outstanding investment certificates of a company are insured by an agency or instrumentality of the United States, the company may file an application with the commissioner seeking authority to increase the aggregate sums of its investment certificates which it may have outstanding, to the extent authorized by the capital-adequacy requirements of that federal agency or instrumentality, subject to specified conditions.

Ch 473 (AB 2764) Hauser. Public Utilities Commission baseline rates and allowances study

Under existing law, the Public Utilities Commission regulates the operations, services, and rates of electrical and gas corporations. Existing law directs the commission to designate a baseline quantity of electricity and gas for residential use and to establish baseline rates applying to the first or lowest block of an increasing block rate structure.

This bill would state legislative findings and declare, concerning the purpose of baseline rates, that the commission should continue its policy of the efficient implementation of energy conservation, and minimize the effect of forces beyond the control of the customer, as specified.

The bill would direct the commission to study the effectiveness of the provision of law on lifeline rates for electricity and gas in promoting the efficient utilization of energy and providing customers with a basic level of service, to conduct at least 2 public hearings in areas where customers have been adversely impacted by the baseline allowance formula, and to report thereon to the Legislature on or before June 30, 1987.

The bill would appropriate \$50,000 from the Public Utilities Commission Utilities Reimbursement Account in the General Fund to the commission for these purposes.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 474 (AB 3197) Moore. Telecommunications services. rates and charges

(1) Under existing law, every telephone corporation is required to issue annually to every residential subscriber a listing of the residential telephone regulated services it provides, the rates or charges for the services, and the state or federal agency responsible for their regulation. Every charge imposed by the Federal Communications Commission is required to be shown separately. Every telephone corporation operating in this state

is required to either identify these charges to indicate that the charges are imposed by action of the Federal Communications Commission or to include in the subscriber's billing statement a listing of the total charges imposed pursuant to Federal Communications Commission tariff, as prescribed. The Public Utilities Commission is required to specify methods for compliance with these provisions, and state what these methods include

These provisions are repealed on January 1, 1987.

This bill would instead repeal these provisions as of January 1, 1992, thereby creating a state-mandated local program by extending the time during which a violation of these provisions would be a crime

The bill would impose those requirements only on telephone corporations operating within a service area and would require that those telephone corporations include, in its list of specified information to subscribers, the names, addresses, and telephone numbers of agencies responsible for the regulation of interstate and intrastate telephone service.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 475 (SB 1569) Presley. Attorneys.

Existing constitutional and statutory law provides for the establishment of, and the powers and duties of, the State Bar of California, including provision for the establishment of procedures for the disciplining of attorneys

This bill would revise provisions of, and add provisions to, the law relating to attorneys, including specifying various information that must be maintained by an attorney on the official membership records of the State Bar; expanding the statutory duties of an attorney; providing that it is a cause for discipline for an attorney to require, as a condition of a settlement of a civil action for professional misconduct brought against him or her, that the plaintiff agree not to file a complaint concerning that conduct with the agency charged with the discipline of attorneys; requiring that specified contracts for the services of an attorney be in writing and specifying the contents thereof; authorizing the rejection of proposed members of a fee arbitration panel, as specified; and specifying various additional duties of the agency charged with attorney discipline, including duties relating to the determination of standards of attorney competency.

Ch. 476 (SB 1916) Russell. Health insurance: replacement coverage.

Existing law requires group disability insurers and health care service plans which provide for replacement coverage upon discontinuance of the policy or contract to immediately cover all persons previously covered, as specified.

This bill would provide that a succeeding carrier's policy or plan shall not exclude dependent child coverage solely because the insured or plan member does not provide primary support for that dependent child.

Ch. 477 (SB 2354) Roberti. Public offices: vacancies.

Existing general provisions of the Government Code govern vacancies in public offices subject to appointment by the Governor and confirmation by the Senate.

This bill would state legislative intent that these provisions shall prevail over any contrary special or general provision of the Government Code or any other code or uncodified statute unless expressly superseded by statute in a specified manner.

Ch. 478 (AB 183) Johnson. State Board of Fabric Care

Existing law provides for the licensing and regulation of persons who establish or operate clothes cleaning, dyeing, and pressing establishments and related establishments, as specified. The law provides for the administration of the provision by the State Board of Fabric Care.

This bill would delete those provisions except for certain provisions regulating the use

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of solvents, including carbon tetrachloride, which the bill would recast and add as new sections of the Penal Code. The bill would provide for the registration of dry cleaning plants with the Bureau of Home Furnishings and would require a dry cleaning plant to pay a registration fee of not more than \$75 and maintain a \$5,000 bond, as specified. The bill would provide that the failure to maintain a bond or to register on the part of a dry cleaning plant shall constitute an unfair business practice. The bill would, in addition, require the Department of Consumer Affairs to take all steps necessary to cease operations of the State Board of Dry Cleaning and Fabric Care. Any unencumbered moneys in the Dry Cleaning and Fabric Care Fund would be transferred to the Dry Cleaning Account in the Bureau of Home Furnishings Fund, which account would be created by the bill. All moneys in the account would be continuously appropriated to the bureau to carry out the above provisions.

The bill would require the Director of Consumer Affairs to execute a contract, subject to competitive bidding, providing for a program of consumer and professional education and complaint mediation for consumers purchasing dry cleaning services, as specified. The bill would appropriate \$200,000 from the Dry Cleaning Account in the Bureau of Home Furnishings Fund for the purpose of executing this contract.

Ch. 479 (AB 2721) Moore. Public utilities: termination of services.

(1) Existing law provides for the furnishing of utility services, including residential electrical, gas, heat, and water service, by privately owned public utilities subject to the jurisdiction and control of the Public Utilities Commission and similar services by publicly owned public utilities, including municipal corporations subject to their governing bodies and municipal utility districts and public utility districts subject to their boards of directors, and specifies the procedures to be followed when necessary to terminate a customer's utility service for nonpayment and a requirement that any service wrongfully terminated be restored without charge for the restoration of service.

This bill would revise the procedures to be followed by each of these public utilities for notifying a delinquent customer of a termination of service, and would require the utility provider, in restoring a customer's service after a wrongful termination, to mail a notation thereof to the customer at his or her billing address.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. Under existing law, a violation of certain provisions of the Public Utilities Code is, among other things, a misdemeanor.

This bill would impose a state-mandated local program by imposing additional requirements regarding termination of residential utility service on privately owned public utilities, thus creating a new crime, and on publicly owned public utilities.

The bill would, however, provide that no reimbursement is required by this act for specified reasons.

Ch. 480 (AB 2778) Hauser. Department of Forestry: burning contracts.

Existing law authorizes the Department of Forestry to enter into a contract with an owner of land included within any wild land for prescribed burning of the land for designated purposes, and authorizes the department, when contracting, to purchase a third party liability insurance policy and to indemnify the person or public agency contracting with the department when it purchases insurance.

This bill would require the department to indemnify the contracting person or public agency when it elects not to purchase insurance instead of authorizing the department to so indemnify when it does purchase insurance.

Ch. 481 (AB 2977) Connolly. Health: Childhood Lead Poisoning Prevention Program.

Under existing law, the State Department of Health Services is required, as a part of the program of maternal and child health, to develop a program to prevent and identify disabilities and debilitating diseases caused by lead poisoning for purposes of reducing infant mortality and improving the health of mothers and children. Existing law also requires the governing body of each county or counties, or the department in case of

counties which contract with the state for health services, to establish a community child health and disability prevention program which is required to include where appropriate testing for lead poisoning.

This bill would delete the provisions relating to the department program which is part of the program of maternal and child health. It would, instead, establish a state Childhood Lead Poisoning Prevention Program within the department, to compile and analyze information about where high childhood blood lead levels are occurring, to target areas of the state where childhood lead exposures are especially significant, and to design and implement a program of medical followup and environmental abatement and followup that will reduce the incidents of excessive childhood lead exposures in California.

The bill would appropriate \$175,000 to the department for the purpose of providing 1st-year funding for the program established by this bill.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 482 (AB 3205) Bronzan. Mental health.

Existing law specifies the financing participation percentages of state and local government for county plans pursuant to the Short-Doyle Act.

This bill would authorize counties, at their option, to resolve any additional state hospital match requirements for state hospital days, except for costs associated with the county's utilization in excess of their allocation, in the fiscal year budget following the year in which the final state hospital billing is received.

Ch. 483 (AB 3209) Moore. Transportation guideways: safety.

(1) Under existing law, public transit guideways planned, acquired, or constructed on or after January 1, 1979, are subject to regulations of the Public Utilities Commission relating to safety appliances and procedures. The commission is required to inspect all work done on those guideways and make additions or changes necessary for the safety of employees and the public.

This bill would, in addition, require the commission to develop an oversight program employing safety planning criteria, guidelines, safety standards, and safety procedures to be met by operators in the design, construction, and operation of those guideways, using existing industry standards where applicable, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 484 (AB 3226) Condit. PERS-contracting public agencies. joint apprenticeship committees: firefighters.

The existing Public Employees' Retirement Law authorizes any public agency, as defined, to participate in and make all or part of its employees members of the system by contract, as specified.

This bill would include in the definition of "public agency," the California Firefighter Joint Apprenticeship Program.

Ch. 485 (AB 3306) N. Waters. Transfer of employees.

Under existing law, persons employed by the State of California, with exceptions, are employed under a civil service system.

This bill would provide for a transfer to state employment of persons employed as a Sanitarian II and Public Health Nurse II from employment under a rural health contract in Mono County. It would also transfer the functions of these employees to the state. The State Department of Health Services and the State Personnel Board would be required to bring the transfers about, effective July 1, 1986, or as soon thereafter as is feasible.

The bill would require the Department of Personnel Administration to establish a salary level for these employees commensurate with the length of time each was employed in Mono County under the rural health contract, and shall provide for seniority,

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sick leave, and retirement benefits, in accordance with existing provisions of law.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 486 (AB 3447) Bane Horseracing: California standardbred program

Under existing law, an amount equal to 10% of the total purses raced for in California sires stakes races, excluding amounts derived from nomination, sustaining, and entry fees, are required to be awarded to the standardbred breeders of the horses that earned purse money in the California standardbred sires stakes races in proportion to the amount of purse money earned by each horse. An amount equal to 2% of these purses is similarly awarded to the owners of registered California-bred stallions that sired horses that earned purse money in these races.

This bill would delete the provision that excludes amounts derived from nomination, sustaining, and entry fees from the purses used to determine the awards to standardbred breeders and stallion owners, respectively.

The bill would make the same change to similar provisions regarding any other California standardbred race.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 487 (AB 3622) Johnston. Health programs.

Under existing law, the only county in which an independent local health district exists is San Joaquin County. The district is subject to the Cortese-Knox Local Government Reorganization Act of 1985, which among other things permits the dissolution of a district without election if the board of directors of the district by a unanimous resolution consented to the dissolution of the district.

This bill would, instead, permit the dissolution of the district without election if the district board by resolution adopted by $\frac{2}{3}$ of its members consents to the dissolution.

Existing law requires that, prior to the dissolution of the district, the district transfer its real and personal property to the County of San Joaquin.

The bill would specify that the personal property include, but not be limited to, moneys of the district and district revenues derived from local, state, or federal sources.

Ch. 488 (AB 3649) Robinson. Talent agencies.

Existing law requires any person who engages in the occupation of a talent agency to obtain a license therefor from the Labor Commissioner. A talent agency is defined to mean a person or corporation who engages in the occupation of procuring, offering, promising, or attempting to procure employment or engagements for an artist or artists.

This bill would provide that the activities of procuring, offering, or promising to procure recording contracts for an artist or artists shall not of itself subject a person or corporation to regulation or licensing as a talent agency.

Existing law provides that an application for a talent agency license is required to include affidavits from 2 reputable residents of the city or county who have known the applicant for 2 years.

This bill would also require that the application be accompanied by 2 sets of fingerprints of the applicant.

Existing law provides that no license shall be granted to conduct the business of a talent agency in rooms used for living purposes, where boarders or lodgers are kept, where meals are served, where persons sleep, or in connection with a building or premises where intoxicating liquors are sold or consumed.

This bill would delete these restrictions, and instead provide that no license shall be granted to conduct the business of a talent agency in a place that would endanger the health, safety, or welfare of the artist.

Existing law requires a talent agency to deposit with the Labor Commissioner a surety bond in the penal sum of \$1,000.

This bill would increase the amount of this deposit to \$10,000.

Existing law provides that the Labor Commissioner may revoke or suspend any license under specified conditions.

This bill would also permit the Labor Commissioner to revoke or suspend any license when the licensee has made any material misrepresentation or false statement in his or

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her application for a license.

Existing law requires every talent agency, before making any theatrical engagement, to prepare, sign, and keep in files a verified statement setting forth how long the applicant employer has been engaged in the theatrical business.

This bill would repeal this requirement

Existing law requires every talent agency to keep specified records, including, among others, the employment in which an artist is engaged at the time of employing the talent agency, and the amount of compensation of the artist in that employment, if any.

This bill would repeal this requirement.

Existing law provides that no talent agency shall sell, transfer, or give away any interest in, or the right to participate in, the profits of the talent agency without the written consent of the Labor Commissioner, and provides that a violation of this provision is a misdemeanor.

This bill would provide that no talent agency shall sell, transfer, or give away any interest in, or the right to participate in, the profits of the talent agency to any person other than a director, officer, manager, employee, or shareholder of the talent agency without the written consent of the Labor Commissioner, and would delete the misdemeanor penalty for violation of this provision.

Existing law prohibits a talent agency from sending, or causing to be sent, any woman or minor as an employee to any house of ill fame, to any house or place of amusement for immoral purposes, or to places resorted to for the purposes of prostitution.

This bill would repeal these restrictions, and would instead prohibit any talent agency from sending, or causing to be sent, any artist to any place where the health, safety, or welfare of the artist could be adversely affected.

This bill would require a licensee who receives any payment of funds on behalf of an artist to deposit the amount in a trust fund account, to disburse the funds, less the licensee's commission, to the artist within 15 days, and to maintain separate records of all funds received on behalf of an artist.

This bill would prohibit any talent agency from collecting a registration fee, as defined, would provide that failure of any person to obtain a license from the Labor Commissioner shall not be considered a criminal act under any law of this state, would make it unlawful for any licensee to refuse to represent any artist on account of that artist's race, color, creed, sex, national origin, religion, or handicap, and would provide that it is not unlawful for an unlicensed person or corporation to act in conjunction with, and at the request of, a licensed talent agency in the negotiation of an employment contract.

This bill would state that specified provisions of the bill shall be deemed operative on January 1, 1986.

This bill would also make various related changes to the talent agency licensing law.

Ch. 489 (AB 3733) O'Connell Plea bargaining.

Under existing law, added by initiative statute, plea bargaining in any case in which the indictment or information charges any serious felony, as defined, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

Existing law provides that these provisions shall not be amended by the Legislature except by a statute passed in each house by a rollcall vote entered in the journal, $\frac{2}{3}$ of the membership concurring, or by a statute that becomes effective only when approved by the electors

This bill would revise the definition of the term "serious felony," as used in these provisions

Ch. 490 (AB 3905) Mountjoy Political Reform Act: campaign statements.

Under the Political Reform Act of 1974, candidates, committees, and elected officers are required to file specified periodic statements and reports

This bill would require committees formed or existing primarily to support or oppose local measures to be voted upon in specified jurisdictions which contain parts of 2 or

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more counties, to file campaign statements with the clerk of the county with the largest number of registered voters.

This bill would also require committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in any number of jurisdictions within one county, other than committees formed or existing primarily to support or oppose candidates or local measures to be voted upon in one city or city general purpose committees, to file these statements with the clerk of the county.

This bill would further require committees formed or existing primarily to support or oppose candidates or local measures voted upon or one city to file these statements with the clerk of the city.

Ch. 491 (AB 4142) Wyman Public Employees' Retirement System.

The Public Employees' Retirement Law (PERL) makes various provisions for the correction of errors and omissions.

This bill would authorize the system to refrain from collecting an underpayment of accumulated contributions whenever the amount to be collected is \$50 or less

The PERL authorizes a contracting agency and its employees to share the costs of optional benefits which the agency has elected for, if the contract is amended therefor.

This bill would authorize independent agreements therefor in memoranda of understanding which may be inconsistent with the contract but which shall not be part of the contract between the contracting agency and the system

Ch 492 (AB 4164) Killea. San Diego state office building ⁴

Under existing law, the Department of General Services has various duties concerning the use of state property

This bill would require the Department of General Services to prepare a detailed comparative analysis of 2 specified alternative sites for a new state office building in the City of San Diego

The bill would require the department, or a consultant hired by the department, to prepare this report and submit it to the Legislature not later than January 1, 1987.

The bill would specify various issues which the report would address

The bill would appropriate \$50,000 from the General Fund to the Department of General Services in order to implement the bill

The provisions of the bill would remain in effect only until January 1, 1987, unless a later enacted statute, which is enacted prior to January 1, 1987, deletes or extends that date.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 493 (AB 4372) Isenberg. Nursing.

Existing law generally provides that the scope of practice for registered nurses does not include the prescribing or dispensing of drugs

This bill would provide, instead, that a registered nurse may dispense drugs or devices upon the order of a licensed physician and surgeon when the nurse is functioning within a clinic, as specified, but would not include the compounding of drugs or the dispensing of specified controlled substances. The bill would further provide that a nurse practitioner may furnish specified drugs or devices pursuant to a standardized procedure, as defined, other than controlled substances, provided that the Board of Registered Nursing has certified, as specified, that the nurse practitioner has obtained or completed specified experience and education and provided that the drugs or devices are furnished incidentally to the provision of family planning services or are furnished incidental to the provision of routine health care to essentially healthy persons within specified clinics. The bill would further condition the furnishing of drugs or devices by a nurse practitioner on the issuance, by the Board of Registered Nursing, of a number which would be required to be in a prescribing standardized procedure included on all transmittals of drugs or devices by the nurse practitioner. The bill would define "furnishing of drugs or devices" to mean the act of making a pharmaceutical agent available to the patient in strict accordance with a standardized procedure.

The bill would also delete various obsolete authorizations for pharmacists, physician's

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assistants, and registered nurses to prescribe and dispense drugs pursuant to a health manpower pilot project authorization.

The bill would impose a state-mandated local program by adding or revising crimes because a violation of the Nursing Practice Act or the Pharmacy Law is a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 494 (SB 247) Carpenter. Health insurance: alternative rates of payment.

(1) Existing law permits disability insurers to negotiate and enter into contracts for alternative rates of payment with specified providers (preferred provider organizations) and alternatively permits insurers to enter into contracts limiting payments to services secured by insureds from specified providers (exclusive provider organizations).

This bill would specifically make those provisions of existing law applicable to psychological coverage

(2) Existing law, with respect to disability insurers, provides, that when alternate rates of payment to exclusive provider organizations are applicable to contracts with group policyholders, those contracts shall include programs for the continuous review of the quality of care, performance of medical personnel, utilization of services and facilities and costs, by professionally recognized unrelated 3rd parties utilizing in the case of professional providers similarly licensed providers for each medical or dental service covered under the plan and utilizing in the case of institutional providers appropriate professional providers.

This bill would require the continuous review of the performance of psychological personnel

(3) Existing law relating to peer review discussed above, provides for immunity from civil liability and for discovery privileges for licensed medical and dental providers engaged in peer review.

This bill would include psychological personnel in those provisions.

(4) The above provisions of existing law also specifically state that nothing therein is to be construed to authorize an insurer to furnish or directly provide services of hospitals or other entities.

This bill would, in addition to the reference to "hospitals," include "psychiatric health facilities," as defined, in that provision. It would make conforming terminology changes with respect to the right of an individual to select a contracting hospital or health facility

Ch. 495 (SB 1970) Rosenthal. Electricity: demand and supply forecast: report.

This bill would direct the State Energy Resources Conservation and Development Commission and the Public Utilities Commission to conduct joint hearings on the current status of electricity demand and options to meet that demand, including the regulatory options available or needed to best ensure the required supplies to meet the demand. The bill would direct the commissions to consider regulatory options for responding to a situation where there is an excess of available or potential supply over forecasted demand, including the institution of a form of competitive bidding through which all suppliers and producers of electricity would compete for authorization to meet the demand

The bill would direct the commissions to prepare and submit to the Legislature a report on or before June 1, 1987, containing their findings, conclusions, and recommendations, taking specified matters into consideration

The bill would also state legislative findings and declarations concerning the supply of and demand for electricity.

Ch. 496 (SB 2289) Robbins. Disability insurance.

Existing law defines selected group disability insurance as that insurance which, among other things, is issued to not less than 5 employees of any specified governmental

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entity

This bill would, with respect to that definition, reduce that number of employees to 3.

Ch 497 (SB 2351) Mello. Property taxation: change in ownership.

Existing property tax law provides for the reassessment of real property whenever changes in ownership occur. Existing law also specifies what types of transfers shall or shall not be deemed to be a change in ownership. Existing law provides that obtaining control, as defined, of any corporation by any other corporation, partnership, or other legal entity through the purchase or transfer of corporate stock constitutes a change in ownership of property owned by the corporation in which the controlling interest is obtained. Existing law also provides that any contribution of real property to an employee benefit plan, as defined by specified provisions of federal law, does not constitute a change in ownership.

This bill would provide that a change in ownership shall not include any acquisition by an employee benefit plan of the stock of the employer corporation pursuant to which the plan obtains direct or indirect control, as defined, of the employer corporation.

This bill would provide that these changes in ownership provisions are applicable to the 1979-80 fiscal year and fiscal years thereafter with respect to the establishment of new base year values for the 1979-80 fiscal year and fiscal years thereafter for any transfer occurring on or after March 1, 1975. However, the bill would provide that no refunds shall be made for certain prior fiscal years, as specified.

This bill would specify that its provisions are declaratory of existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by requiring assessors to establish new base year values for property in conformity with the bill's provisions.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 498 (SB 2484) Roberti. Civil law: real property.

Existing law provides that everyone is responsible, not only for the result of his or her willful acts, but also for an injury to another by his or her want of ordinary care or skill in the management of his or her property or person, except as specified.

This bill would provide that no cause of action arises against the owner of real property or his or her agent, or any agent of the transferee of the property, for the failure to disclose that an occupant of that property was afflicted with the virus that causes acquired immune deficiency syndrome.

This bill would specify that it is the intention of the Legislature to occupy the regulation of disclosure in this area.

Ch. 499 (SB 2576) Foran. Golden Gate Bridge, Highway and Transportation District.

Under existing law, the Golden Gate Bridge, Highway and Transportation District is organized and governed under the Bridge and Highway District Act.

This bill would authorize the district to bring a civil action for an injunction and for specified damages and costs against any person who uses, for specified purposes, any existing or future district mark, name, word, or phrase, including the name "Golden Gate Bridge," without the consent of the district board of directors. The bill would declare that its provisions shall not interfere with the vested rights of any person in any name, word, mark, symbol, or device.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 500 (AB 2903) Killea. Department of Transportation. air space leasing

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Existing law authorizes the Department of Transportation to lease to public agencies or private entities for any term not to exceed 99 years the use of areas above or below state highways.

This bill would require the department to consider future lease potential of those areas when planning new state highway projects, as specified.

Ch. 501 (AB 2946) Hannigan. Districts: fees and charges.

Existing law generally requires that fees and charges imposed by districts not exceed the estimated amount reasonably required to provide the product or service for which the fee or charge is imposed.

This bill would provide that any person may request an audit in order to determine whether any fee or charge levied by a district exceeds the amount reasonably necessary to cover the cost of any product or service provided by the district. If a person makes that request, the bill would authorize the board of directors of the district to retain an independent auditor to conduct an audit to determine whether the fee or charge is reasonable. This bill would provide that any costs incurred by a district in having the audit, as described, conducted by an independent auditor may be recovered from the person who requests the audit. This bill would also provide that the audit shall conform to generally accepted auditing standards.

The bill would specify that its provisions are not to be construed as granting any additional authority to any district to levy a fee or charge which is not otherwise authorized by another provision of law or as requiring any district to review or revise any fee or charge which is in effect January 1, 1987.

Ch. 502 (AB 3034) Lewis. Health care service plans: licensure exemption

Under existing law, known as the Knox-Keene Health Care Service Plan Act of 1975, the Commissioner of Corporations licenses and regulates health care service plans and specialized health care service plans, as defined. Existing law provides the commissioner with authority to exempt certain persons or plan contracts from the act. Existing law provides that it is unlawful to engage in business as a plan or to receive advance or periodic consideration in connection with a plan without a license.

This bill would exempt, as specified, a health care service plan which provides only emergency ambulance services or advanced life support services, as defined, or both, and is operated by the State of California, any city, county, city and county, public district, or public authority from specified licensing requirements of the act.

Ch 503 (AB 3128) Tanner. Economic poisons

(1) Existing law authorizes the Director of Food and Agriculture to establish fees to cover the cost of administering any written examination administered pursuant to laws relating to pest control operations.

This bill would additionally authorize the director to establish these fees to cover the cost of administering an examination administered pursuant to laws relating to agricultural chemicals. The bill would revise the examinations that an applicant may take under the original application fee. The bill would also authorize the director to establish fees, not to exceed \$20, to cover the cost of name or address changes on any license or certificate issued pursuant to laws relating to pest control operations and agricultural chemicals.

(2) Under existing law, it is unlawful for any person to engage for hire in the business of pest control unless that person has an agricultural pest control license.

This bill would also require that every principal or branch office of a business holding an agricultural pest control license have at least one person in a supervisory position who holds a qualified applicator license pursuant to specified provisions establishing these licenses in the bill. Violation of this requirement would be a misdemeanor; thus the bill would impose a state-mandated local program by creating a new crime.

(3) Existing law requires applicants for an agricultural pest control license to, among other things, pass an examination, as specified.

This bill would delete this requirement.

(4) Existing law requires that a fee of \$25 accompany an application for an agricul-

tural pest control license and that a fee of \$10 be charged for every branch office doing this business.

This bill would increase that fee to \$100 for the application and \$50 for the branch office charge. The bill would increase other related fees for licenses or certificates relating to the business of pest control.

(5) Under existing law, every manufacturer of, importer of, or dealer in any economic poison, with a specified exception, is required to register with the Department of Food and Agriculture before the substance is offered for sale. The annual fee for each product registered is \$40, and each product is required to be renewed annually. If renewal is not applied for within one calendar month after expiration, penalty of \$5 and 10% of the original amount due is added in each succeeding month up to a specified amount.

This bill would increase the registration fee to \$200 and the penalty to \$50.

(6) Existing law, by administrative regulation, permits a restricted material, as defined, to be possessed and used only by or under the supervision of a certified private or commercial applicator.

This bill would authorize the director to specify the pesticide applications that are required to be made by or under the supervision of a person holding a qualified applicator certificate. The bill would also specify the procedure for obtaining this certificate and fees that may be charged therefor.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 504 (AB 3152) N. Waters. Municipal courts: Placer County

Existing law specifies the number, compensation, and classification of the employees of the Placer County Municipal Court.

This bill would revise the compensation of municipal court employees of the Placer County Municipal Court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 505 (AB 3171) Campbell. County water districts: bonds

Under existing law, a county water district may incur a bonded indebtedness in accordance with prescribed procedures and requirements.

This bill would authorize the Contra Costa Water District to provide for bonds of the district to bear a variable interest rate, as prescribed. The bill would require the bond resolution adopted by the district board of directors to specify, if the interest rate is variable, the manner and intervals at which the rate shall vary, and would require the bonds to recite on their face the manner and the intervals at which the rate shall vary.

Ch. 506 (AB 3211) Moore. Highway carriers: fines and penalties.

Under existing law, highway permit carriers, household goods carriers and charter-party carriers of passengers are required to obtain a certificate or permit from the Public Utilities Commission before they can legally operate. The commission is authorized in specified circumstances to impose fines upon these carriers.

This bill would specifically authorize the commission to impose a fine of not more than \$5,000 on persons or corporations operating as highway permit carriers, household goods carriers, or charter-party carriers of passengers, if, after a hearing, the commission determines that the person or corporation was operating without a valid permit or certificate, and, in addition, the commission would be authorized to assess the person or corporation an amount sufficient to cover expenses incurred for investigation, as well as interest on any fine and assessment, that becomes delinquent, as specified.

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Ch 507 (AB 3218) Robinson. Improvement Act. interest on assessments.

Existing law authorizes interest to be imposed on the unpaid balance due on an assessment levied under the Improvement Act of 1911. That interest may not exceed a rate of 6% per annum.

This bill would, instead, make the maximum permissible interest rate that which is permitted be paid on bonds issued by local agencies which, until January 1, 1988, is 12%, and on and after that date is 10%

Ch. 508 (AB 3390) Moore. Commercial transactions.

Existing law requires any person who contracts with consumers to provide an electronic commercial service, as defined, to provide to the consumer at the time of contracting, specified information, including the charges imposed and the procedure which may be followed to resolve a complaint regarding use of the service.

This bill would require the provider of that service to provide the same information to the consumer annually, on or before June 30 of each year.

Ch 509 (AB 3395) Johnson Real property.

(1) Existing law contains many provisions regulating the rental or lease of real property.

Existing law authorizes a public entity to reinstate certain rental constraints on property that was withdrawn from rent or lease, and requires that entity to record a notice describing the real property where the accommodations are located and the dates applicable

This bill would revise the information required to be contained in the recorded notice

(2) Under existing law, for the purposes of determining eligibility for health services under the Medi-Cal program, the value of the principal residence, as defined, is disregarded

Existing law provides that the home shall be the principal residence if the property cannot be readily converted to cash, but a bona fide effort is being made to sell the property.

In these cases, the state has a lien against the property, to the extent permitted by federal law, for the cost of medical services

This bill would provide that the state lien shall be recorded, and from the date of recording, shall have the force, effect, and priority of a judgment lien.

Ch 510 (AB 3641) Farr. Out-of-state tour buses

(1) Existing law exempts specified passenger motor vehicles, commercial vehicles, and 2-axle trucks from use fuel taxes.

This bill would extend this exemption to the out-of-state operator of a sightseeing tour bus who makes a round trip originating and terminating out-of-state

(2) Existing law allows commercial vehicles meeting the registration requirements of a foreign jurisdiction to secure a temporary registration to operate in this state for a specified time period.

This bill would require the Public Utilities Commission, the Department of Motor Vehicles, and the State Board of Equalization to enter into an interagency agreement to establish a coordinated system for the issuance of temporary operating authority to passenger carriers operating under the laws of another state or country, by designating one of these agencies to serve as the lead agency to which these passenger carriers may make a single permit application.

Ch 511 (AB 3683) Lancaster Air pollution. emissions standards for new heavy-duty vehicles and engines

Under existing law, the State Air Resources Board adopts and implements emissions standards for new motor vehicles sold in this state, and no new motor vehicle may be sold without certification by the state board pursuant to test procedures adopted by the state board.

This bill would authorize the state board to adopt a schedule of nonconformance fees designed to substitute for the payment of nonconformance fees to the federal govern-

ment applicable to manufacturers of new heavy-duty vehicles and heavy-duty vehicle engines failing to meet standards adopted by the state board, which the bill would require to be identical to corresponding federal standards, upon application by the manufacturer. The bill would direct the state board to adopt a schedule of fees which increase each year of noncompliance with the applicable emissions standard, taking specified matters into account.

The bill would require all fees collected pursuant to the bill to be deposited in the Air Pollution Control Fund.

The bill would state legislative findings and declarations concerning enactment of the bill.

The bill would be repealed on January 1, 1999.

Ch. 512 (AB 3844) Clute. Municipal utility districts: master-meter customers.

(1) Existing law provides for the furnishing of light, heat, and power by a municipal utility district to its inhabitants who are customers of the district, pursuant to rates established by the district board of directors.

This bill would, whenever residential light, heat, or power is furnished through a submeter system by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, make the master-meter customer, and not the district, responsible for repair and maintenance of the submeter system. The bill would require every master-meter customer to provide itemized billing of charges for light, heat, and power to the users, and to post the applicable prevailing residential rate schedules in a conspicuous place. The bill would prohibit the master-meter customer from charging the user more than if the user received the services directly from the district and would direct the district to notify its master-meter customers of these requirements.

By imposing these requirements on districts, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 513 (SB 286) Ellis. Outdoor advertising: on-premises displays.

(1) Existing law generally prohibits, with certain exceptions, a city or county from requiring the removal of on-premises advertising displays, as defined, except pursuant to an ordinance or regulation introduced or adopted prior to March 12, 1983, which provides for compensation or a period of amortization for the displays. Displays which are nonconforming under such an ordinance, or which have become nonconforming due to annexation by a city or county having such an ordinance, are presumed illegal when the amortization period has lapsed. Amendments to pre-March 12, 1983, ordinances are subject to these provisions if they are not more restrictive than the ordinance. Amendments to existing ordinances requiring removal of existing displays, including those previously made conforming, are not subject to compensation requirements if the amortization period is not made more restrictive in the amendment.

This bill would provide that, if property containing a display is annexed to a city or county having a pre-March 12, 1983, ordinance providing for amortization, the city or county may apply its ordinance to the annexed display, except that the amortization period commences on the date of annexation. The bill would, if the ordinance does not provide for amortization and displays in the annexed territory are required to conform to the ordinance, make the compensation requirements applicable.

(2) Existing law permits a city or county with a pre-March 12, 1983, ordinance to require removal of displays in additional areas pursuant to an ordinance introduced or adopted on or after March 12, 1983, or any amendment thereto, if the amortization period in the new ordinance is not more restrictive than that in the pre-March 12, 1983, ordinance.

This bill would, with respect to any city or county having a pre-March 12, 1983,

ordinance requiring removal of displays applying to designated areas within the city or county less than the entire city or county, which is not subject to these compensation requirements, revise these provisions to instead permit the adoption of not more than 2 such ordinances after that date requiring removal after reasonable amortization, as defined, without compensation, in additional areas only if the total effect of all the ordinances is to apply to less than the entire city or county, and in so doing would impose a state-mandated local program as to any city or county already having more than 2 such ordinances or having ordinances applying to the entire city or county. The bill would specify that, if these conditions are not met, all those ordinances would be subject to the compensation requirement.

(3) Existing law prohibits a city or county ordinance adopted after March 12, 1983, from requiring removal of a display because of its height where topographic circumstances restrict or impair the public view of the display, as specified.

This bill would revise this provision to apply to an ordinance adopted on or after March 12, 1983, applying to size, as well as height, of a display.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no appropriation is made pursuant to Section 6 of Article XIII B of the California Constitution because the bill does not mandate a new program or higher level of service on local government, but recognizes that a local agency may pursue any reimbursement remedies available under designated provisions of law.

Ch. 514 (SB 945) Vuich District hospitals: conflict of interest.

Existing law pertaining to local hospital districts prohibits a person from possessing certain interests in any private hospital serving the same area served by the hospital district or holding office in a private hospital serving the same area and be eligible for or hold any district office, as defined. Existing law prohibits a person who is a director or officer of or who occupies any management position or office of, a private hospital from being eligible for or holding any district office management position in any district hospital. However, existing law expressly permits a person to serve concurrently on the administrative staffs of any private hospital and any district hospital when the board of directors of the hospitals make certain determinations. Existing law also requires any candidate who runs for the office of member of the board of directors of a hospital district and who has certain interests in a private hospital which does not serve the area to make a specified disclosure.

This bill would instead prohibit any ownership interest in any other hospital serving the same area served by the district by a person who is a director, policymaking management employee, or medical staff officer of the district hospital, and would prohibit those persons from being in certain positions in any other hospital serving the same area served by the district, as defined, unless the directors of the boards of the hospitals expressly permit, as specified. This bill would make the disclosure requirements applicable to interests in any hospital which does not serve the same area served by the district.

Ch 515 (SB 1243) Dills. Local government: leases.

Existing law provides that a city or county may lease its property whose contemplated use is off-street parking for not to exceed 50 years. Existing law also provides that a city may lease its property not required for other purposes for not to exceed 50 years.

This bill would extend those provisions to 55 years and would make the provisions applicable to leases executed on or after January 1, 1986.

The bill would take effect immediately as an urgency statute.

Ch. 516 (SB 1484) Seymour. Vessels: operation: intoxication.

(1) Under existing law, it is unlawful for any person to operate any boat or vessel or manipulate any water skis, aquaplane, or similar device while under the influence of

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intoxicating liquor, any drug, or the combined influence of intoxicating liquor and any drug.

This bill would prohibit the operation of any vessel or the manipulation of any water skis, aquaplane, or similar device by any person who has a blood alcohol content of 0.10% or more and by any person addicted to the use of any drug, except as specified, and would specify criminal penalties therefor, thereby imposing a state-mandated local program. The bill would provide for chemical blood analysis for determination of an arrested person's blood alcohol level and would provide that a level of 0.10% or more creates a presumption that the person was under the influence, that a level of 0.05% or more but less than 0.10% creates no presumption thereof, and that a level of less than 0.05% creates a presumption that the person was not under the influence.

The bill would specify procedures for an arresting officer to follow in requesting a person arrested for operating a mechanically propelled vessel, as defined, or any water skis, aquaplane, or similar device under the influence of an alcoholic beverage or any drug, or under the combined influence thereof, to submit to a blood alcohol test and the effects of a refusal to submit to a test.

The bill would revise the criminal penalties applicable to offenses involving the operation of a vessel or the manipulation of any water skis, aquaplane, or similar device while under the influence of alcohol or drugs, or both, thereby imposing a state-mandated local program.

(2) The bill would provide that amendments to Section 662 of the Harbor and Navigation Code proposed by this bill would not become operative if AB 2781 is enacted and amends that section.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 517 (SB 1625) Rosenthal County underground utility districts: assessments

Under existing law, as a means of implementing a municipal underground utility district formed to remove existing overhead utility lines and to require property owners of the district, served by such lines, to prepare their properties to accept underground utility lines, a city may provide by ordinance, utilizing a specified procedure, that if any property owner refuses to comply within a reasonable time to effect the removal or preparation, the city may cause the work to be done and assess the costs thereof against the property.

This bill would provide a county with the similar authority to require property owners served by such lines, to prepare their properties to accept underground utility lines, as a means of implementing a county adopted underground utility ordinance.

Ch. 518 (SB 1650) Montoya. Contractors unlawful advertising.

Existing law provides that, with some exceptions, it is a misdemeanor for any person to advertise for construction or work of improvement covered by the Contractors' State License Law unless the person holds a valid license under that law in the classification of contracting work so advertised.

This bill would provide that a violation of this provision is punishable by a fine of not less than \$700 and not more than \$1,000, which fine shall be in addition to any other punishment imposed for a violation of the provision.

The bill would also provide that if the Registrar of the Contractors' State License Board, upon investigation, has probable cause to believe that a person has violated this provision by advertising in an alphabetical or classified directory, without being properly licensed, the registrar may issue a citation containing an order of correction requiring the violator to cease the unlawful advertising and to notify the telephone company to disconnect the telephone service to any telephone number contained in the unlawful advertising. The bill would further provide that if the person fails to comply with the order of correction after it is final, the registrar shall inform the Public Utilities Commission of the violation and the commission shall require the telephone corporation furnish-

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ing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

This bill would provide that the good faith compliance by a telephone corporation with a Public Utilities Commission order to terminate service issued pursuant to this bill shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

Ch 519 (SB 1668) Presley. Crimes.

(1) Existing statutory law does not specify the elements involved in an attempt to commit a crime

This bill would provide that an attempt to commit a crime involves a specific intent to commit the crime and a direct but ineffectual act done toward its commission.

(2) Under existing law, if a person attempts a crime for which the maximum sentence is life imprisonment or death, the person guilty of that attempt may be punished by imprisonment in the state prison for a term of 5, 7, or 9 years.

This bill would provide that a person who attempts the crime of willful, deliberate, and premeditated murder would be subject to imprisonment in the state prison for life with the possibility of parole.

Ch. 520 (SB 1714) Bergeson Hazardous waste: shredder waste.

Existing law prohibits the State Department of Health Services until January 1, 1988, from classifying as a hazardous waste, for purposes of disposal, any waste which results from the shredding of automobile bodies, household appliances, and sheet metal, if the producer demonstrates, and the department determines, pursuant to specified regulations, requirements, plans, policies, and rules, that the waste will not pose a threat to human health or water quality.

This bill would provide that these provisions do not require an operator of a Class III landfill to accept this waste for disposal and do not prohibit an operator from charging a disposal rate proportionate to the costs of modifying the landfill to meet applicable water quality standards

Ch 521 (SB 1759) Montoya. State Athletic Commission

Under existing law, there is a State Athletic Commission consisting of 8 members. The commission licenses various categories of persons involved in boxing and wrestling.

This bill would prohibit any person who is licensed by the commission as a promoter, manager, or judge from being appointed or reappointed to, or serving on, the commission.

Ch 522 (SB 2137) Seymour. Driving offenses

(1) Under existing law, any person, who is convicted of a repeat offense of driving under the influence of an alcoholic beverage or a drug, or both, driving with an excessive blood-alcohol concentration, or driving when addicted to a drug, is required to be sentenced to specified imprisonment and fines.

In addition to the specified requirements, under existing law, such a person who is granted probation is also required to be imprisoned, as specified, or, alternatively, to serve at least 10 days' community service as part of any term of imprisonment imposed by the court.

This bill would declare the legislative intent of that additional provision. The bill would repeal that provision and reenact it to become operative only if, and upon the date that, the Department of Motor Vehicles makes a specified certification to the Secretary of State.

(2) Existing law also requires the Department of Motor Vehicles to suspend or revoke the driving privilege of persons convicted of those offenses with enhanced sanctions for repeat offenders, as specified, and with alternative restrictions if the person is granted probation on terms which include a specified treatment program.

This bill would conform a reference in the alternative restriction provision to changes made in the period of suspension for second convictions of those offenses without bodily injury made by Chapter 1339 of the Statutes of 1985.

- (3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 523 (AB 3231) Bronzan. Correctional and detention facilities

Existing law authorizes the sheriff of a county to refuse to receive and keep a federal prisoner in a county jail if there isn't adequate space for the prisoner and there is a facility operated by the United States Bureau of Prisons within 100 miles of the county seat.

This bill would permit refusal on the above basis if such a facility exists within 200 miles of the county seat.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 524 (AB 3705) Molina. Telecommunications: service options.

(1) Under existing law, every public utility other than a common carrier, is required to print, and keep open for public inspection, all rates, tolls, rentals, charges, and classifications, as specified, and all rules, contracts, privileges, and facilities as they relate to rates, tolls, rentals, charges, classifications, or services.

This bill would state legislative findings and declarations and require the commission, by rule or order, to require every telephone corporation operating within a service area to, upon first contact with a subscriber and at subsequent contacts for service change, fully inform the subscriber of the basic services available to the class of subscribers to which the subscriber belongs, as specified. The bill would authorize the commission to make an appropriate adjustment of the telephone corporation's rates or impose penalties pursuant to other provisions of law, thereby imposing a state-mandated local program by creating a new crime, if it finds after a hearing that the telephone corporation has not provided that information.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 525 (SB 1560) Foran. Taxation. motor vehicle fuels.

(1) Under the Motor Vehicle License Law, a license tax is imposed at the rate of 9¢ per gallon on the distribution of motor vehicle fuel (gas tax).

This bill would increase that rate at any time that the federal rate is reduced below 9¢ per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, so that the combined state and federal tax rate would equal 18¢ per gallon.

(2) Under the Use Fuel Tax Law, an excise tax is imposed on motor vehicle fuel at the rate of 9¢ per gallon used (diesel tax).

This bill would increase that rate at any time that the federal rate is reduced below 15¢ per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, so that the combined state and federal tax rate would equal 24¢ per gallon.

(3) This bill would make legislative findings and declarations that these tax rate increases are the result of a transfer in the financial responsibility of providing services as contemplated by Article XIII B of the California Constitution and, consequently, that the state's appropriations limit shall be increased accordingly if and when the tax rate increases become operative.

(4) The bill would impose a tax for purposes of Article XIII A of the California Constitution.

(5) The bill would make an appropriation since the State Board of Equalization would be required to perform additional duties if the federal fuel tax rate is reduced and the board would be reimbursed for those costs by a continuous appropriation from the Motor Vehicle Fuel Account in the Transportation Tax Fund.

Ch 526. (SB 1562) Stiern. Courts

(1) Existing law specifies the number, classification, and compensation of superior

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court personnel in Orange County.

This bill would revise the number, classification, and compensation of superior court personnel in Orange County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law establishes the number, compensation, and classification of municipal court personnel in Kern County

This bill would revise the number, compensation, and classification of municipal court personnel in Kern County, thereby creating a state-mandated local program by requiring a higher level of service under an existing program

(3) Existing law specifies the compensation of superior court reporters and the number, compensation, and classification of municipal court personnel in Fresno County

This bill would revise the compensation of superior court reporters and the number, compensation, and classification of municipal court personnel in Fresno County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also specify the maximum compensation for interpreters appointed by the court in Fresno County.

(4) This bill would also conform specified provisions to recently enacted uniform provisions regarding judicial holidays, to become operative on January 1, 1989

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 527 (SB 1565) Deddeh. Driving offenses.

Under existing law, a person lawfully arrested for driving under the influence of an alcoholic beverage, any drug, or both, with an excessive blood-alcohol concentration, or when addicted is deemed to have consented to specified chemical testing of the blood, breath, or urine for alcohol or drugs. The Department of Motor Vehicles is required to suspend or revoke a person's driving privilege if the person refuses an officer's lawful order to submit to, or fails to complete, the required testing. A willful failure or refusal to obey a lawful order of a peace officer is a misdemeanor under other provisions of law.

This bill would repeal and reenact these provisions for the expressed purpose of clarifying the effect of a technical error in Chapter 1330 of the Statutes of 1985. The bill would make a legislative declaration that the bill is not a change of, but is declaratory of, existing law

The bill would, by also restricting a peace officer to making a request, rather than issuing an order, that a person submit to the testing, thereby subject the person only to license sanctions if the person refuses the officer's request.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 528 (SB 1851) McCorquodale Elections.

Existing law provides that an absent voter who returns to the home precinct on election day may vote only if the absent voter ballot is surrendered to the precinct board inspector. It also provides for voting by a provisional ballot by a voter claiming to be properly registered whose entitlement to vote cannot be immediately established.

This bill would provide that an absent voter who is unable to surrender the absent voter's ballot shall be issued a provisional ballot.

Existing law requires the county clerk, when a municipal initiative petition is presented for filing, to ascertain the number of registered voters of the city last officially reported to the Secretary of State by the clerk, and to determine if the total number of signatures equals or exceeds the minimum signatures required.

This bill would provide that the clerk shall ascertain the number of registered voters reported by the clerk pursuant to specified provisions of law effective at the time a notice of intent to circulate a petition is published. It would delete the provision making void for all purposes any sections of the petition not filed, and would require that any petition not accepted for filing be returned to the proponents.

Existing law specifies the action to be taken by a local legislative body when a municipi-

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pal initiative petition is signed by the specified percentage of city voters, according to the county clerk's official report of registration to the Secretary of State given at a specified time period.

This bill would, instead, require the use of signatures of the percentage number of voters according to the last report of registration by the county clerk to the Secretary of State pursuant to specified provisions of law.

Existing law requires that a provisional ballot be substantially in the form of an absentee ballot, and that the voted provisional ballot, sealed in an envelope, be placed in a sealed container reserved for that purpose.

This bill would delete these requirements, and would require the voted provisional ballot, sealed in an envelope, to be deposited in the ballot box and remain sealed in the envelope for return to the county clerk.

This bill would revise the situations specified by law to which the provisional ballot provisions do not apply, and would delete the provision repealing the provisional ballot provisions on January 1, 1990. It would make the provisional ballot provisions applicable to an absent voter who returns to the home precinct who is unable to surrender the unvoted absent voter's ballot.

Existing law provides that, in ballots used at any general district election by water districts, the names of the candidates be printed with the incumbents for each office named first, followed by the other candidates for office in alphabetical order.

This bill would provide that the names of the candidates shall be in accordance with a randomized alphabet, as specified.

This bill would make certain changes in Sections 4008, 4010, and 4011 of the Elections Code contingent upon the enactment of SB 2359 of the 1985-86 Regular Session.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 529 (SB 2410) Montoya. Court costs: litigants: Transcript Reimbursement Fund.

(1) Existing law contains provisions relating to the licensure and regulation of shorthand reporters which are administered and enforced by the Certified Shorthand Reporters Board.

This bill would reenact recently effective provisions which establish a Transcript Reimbursement Fund in a specified amount for the purpose of reimbursing the costs incurred by indigent and low-income persons relating to shorthand reporting services, according to specified procedures. That fund would be continuously appropriated for the purposes of these provisions. This bill would also require the board to submit periodic reports to the Legislature in connection with the operation of the Transcript Reimbursement Fund.

These provisions would remain in effect only until June 30, 1991, and as of that date are repealed. Because the Transcript Reimbursement Fund would be a continuously appropriated fund, the bill would make an appropriation.

(2) This bill would require the board to promptly determine whether an applicant is entitled to reimbursement from the fund and to disburse the appropriate sum, and would set forth the types and maximum amount of charges that may be reimbursed.

It would also provide that if funds are insufficient to reimburse applicants in a particular fiscal year, the applications shall be held over until the next fiscal year.

(3) This bill would also require persons who have received reimbursement from the Transcript Reimbursement Fund to reimburse that fund if they are awarded court costs or attorneys' fees.

(4) This bill would, in addition, require an applicant for funds to provide documentation which accompanies an invoice establishing certain factors, plus additional specified

documentation, in order to be entitled to reimbursement, and would authorize an applicant to receive reimbursement directly from the board if the applicant has previously paid the shorthand reporter for the transcripts. It would also authorize the board to prescribe forms in order to facilitate these requirements.

(5) Existing law establishes a schedule of fees that the board is allowed to charge

This bill would revise that schedule to increase the initial certificate and renewal fees, as specified, until June 30, 1991, which fees are to be placed in the Shorthand Reporters' Fund.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Shorthand Reporters' Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

(6) Existing law sets the fee for the original ribbon copy of a court reporter's transcript at 60¢ for each 100 words.

This bill would increase that fee to 70¢ for each 100 words.

(7) The bill would declare that it is an urgency statute, to take effect immediately

Ch. 530 (SB 1606) Petris Municipal utility districts officers and employees.

(1) Under the Municipal Utility District Act, municipal utility districts having boards of 7 directors may pay compensation not exceeding \$100 per day for not more than 6 days per month, as specified, to each director

This bill would permit districts having boards of 7 directors to pay each director a salary of not to exceed \$600 per month, plus an annual adjustment of not more than 5%, as specified, in lieu of that compensation

(2) Under that act, the board of directors of any district may establish a retirement system, or may contract with the Public Employees' Retirement System, to provide retirement benefits for its officers, other than elective officers, and employees

This bill would permit a district to extend these benefits to all district officers, both elective and appointive

Ch 531 (AB 2884) Bronzan Community redevelopment agencies.

(1) Under the existing Community Redevelopment Law, territory included within a project area, with specified exceptions, is required to be a predominantly urbanized area of a community, as defined, which is a blighted area, the redevelopment of which area is necessary to effectuate the public purposes specified in the Community Redevelopment Law.

This bill would provide that certain unblighted areas contiguous to project areas within the City of Sanger, California, shall be conclusively presumed necessary for effective redevelopment if that unblighted territory is annexed to the City of Sanger and if the planning agency or the redevelopment agency within the City of Sanger determines that the area is necessary for effective redevelopment.

(2) The bill would declare the necessity for a special statute applicable only to the City of Sanger, California.

This bill would incorporate additional changes in Section 33320.1 of the Health and Safety Code, proposed by AB 3600, but only if AB 3600 and this bill are both chaptered and this bill is chaptered last

Ch 532 (AB 4356) Robinson Prisons.⁵

Existing law authorizes the lease-purchase financing of prison facilities for state prisons in Amador County and the Southern Maximum Security Complex. It permits up to \$300,000,000 of bonds to be issued for that purpose. Funds derived from the lease-purchase financing of the Southern Maximum Security Complex may be used for prison construction in accordance with a 1984 bond act.

This bill would permit up to \$650,000,000 in bonds to be sold under that act, and would also permit an additional \$325,000,000 in bonds to be sold for a facility in Del Norte County. The bill would also shorten the time required for notice to specified legislative committees before marketing the bonds, and revise the committees to be notified. It would additionally permit the lease-purchase financing of the state prison in the vicinity of Corcoran, and funds derived from that financing could be used for prison construction

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in accordance with a 1984 bond act. It would provide that funds derived from the lease-purchase financing of the prison in the vicinity of Corcoran are continuously appropriated, and would authorize the augmentation of the cost of construction of the Corcoran Prison. The bill would also authorize the payment of specified fees to the Tulare Lake Drainage District to obtain essential water services for the Corcoran Prison.

Existing law sets forth the new prison Construction Bond Act of 1984, which contains the 1984 Prison Construction Fund AB 2545, if approved by the voters, would enact the New Prison Construction Bond Act of 1986 containing the 1986 Prison Construction Fund. Existing law provides for the study of, and if favorable, the construction of, a prison in Del Norte County, as specified.

This bill would authorize the Department of Corrections to establish by means of lease-purchase financing a 2,200-bed prison facility in Del Norte County, as specified. The bill would also recast the provisions regarding review by the fiscal committees of the Legislature and delete the requirement that the prison be in the vicinity of Crescent City. Funds derived from lease-purchase financing for the Del Norte County facility would be continuously appropriated to the State Public Works Board for acquisition and construction of the facility, as specified.

The bill would authorize the Department of Corrections to construct a 2,000-bed facility in Riverside County, and would authorize the use of previously appropriated funds for that purpose.

The bill would authorize the State Public Works Board to augment the cost of construction of facilities at Jamestown, Tehachapi, and Susanville, as specified.

The bill would appropriate a total of \$452,911,000 from the General Fund and the 1984 and 1986 Prison Construction Funds to the Department of Corrections and the Department of the Youth Authority for various facilities, as specified.

The bill would declare that it is to take effect immediately as an urgency statute

Ch. 533 (SB 1222) Keene. Prisons: Del Norte County. *

Existing law authorizes the lease-purchase financing of certain prisons. Existing law provides that 45 days prior to marketing bonds for that purpose, the Department of Corrections shall notify specified committee chairpersons and vice chairpersons of the parameters of the proposed sale.

This bill would make that notification requirement inapplicable to the marketing of bonds for the California State Prison-Corcoran.

Existing law sets forth the New Prison Construction Bond Act, which contains the New Prison Construction Fund. Existing law provides for the study of, and if favorable, the construction of, a prison in Del Norte County, as specified.

This bill would authorize the Department of Corrections to establish a 2,200 bed prison facility in Del Norte County to be known as the Prison of the Redwoods, as specified, and appropriate \$1,000,000 from the New Prison Construction Fund and \$12,000,000 from the General Fund for those purposes, as specified. The bill also would authorize the State Public Works Board to issue revenue bonds, in an amount not to exceed \$325,000,000 above the amount of bonds the board is authorized to issue for the financing of prison facilities by lease-purchase agreements under existing law, for a prison in Del Norte County. The appropriation from the General Fund would be repaid from the proceeds of lease-purchase financing. The bill would also recast the provisions regarding the study of a prison in Del Norte County to delete the requirement of review by the fiscal committees of the Legislature and to delete the requirement that the prison be in the vicinity of Crescent City.

The bill would state that it will take effect immediately as an urgency statute.

Ch. 534 (SB 1462) Watson. Controlled substances: dihydrocodeinone: forfeiture: real property.

Existing law classifies as a Schedule III controlled substance any material, compound, mixture, or preparation containing not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

This bill would classify as a Schedule III controlled substance, in addition, any material,

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compound, mixture, or preparation containing not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts. The bill would also provide that oral liquid preparations of dihydrocodeinone containing the above specified amounts may not contain as its nonnarcotic ingredients 2 or more antihistamines in combination with each other. This bill would impose a state-mandated local program by creating new crimes with respect to this newly classified Schedule III controlled substance.

Existing law makes it a crime (1) to open or maintain any place for the purpose of unlawfully selling, giving away, or using specified controlled substances; (2) for any person who has under his or her management or control any building, room, space, or enclosure, to knowingly rent, lease, or make available for use, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance for sale or distribution; (3) to utilize a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to sell or possess for sale any amount of cocaine, heroin, or phencyclidine; and (4) for persons described in (2) above to allow, and to profit from, the fortification of premises for purposes described in (3) above. Existing law also provides for the seizure and forfeiture of specified property used in controlled substances offenses.

This bill would make subject to forfeiture the real property of any property owner who is convicted of committing the aforementioned crimes with respect to that property. However, property which is used as a family residence or for other lawful purposes, or which is owned by 2 or more persons, one of whom had no knowledge of its unlawful use, would not be subject to forfeiture under this provision. The bill would make conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 535 (AB 2615) Moore. Income taxation. Franchise Tax Board advice.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, the Franchise Tax Board is authorized to impose interest and penalties on persons in connection with their failure to make a timely return or payment of income taxes.

This bill would require the board to waive interest, additions to tax, and penalties payable under these laws if it determines that the taxpayer reasonably relied on a written opinion issued by the board under specified conditions.

Ch. 536 (AB 2716) Stirling. Warrants.

Existing law makes it a misdemeanor for any district attorney, clerk, judge, or other officer, except by issuing or in executing a warrant of arrest, to willfully disclose the fact of an information or indictment having been made for a felony, until the defendant has been arrested.

This bill would recast the existing statute by making the prohibition applicable to peace officers rather than to other officers; and it would make it either a misdemeanor or a felony, rather than only a misdemeanor, for any officers subject to its provision to willfully disclose the fact of a warrant for a felony prior to the execution of the warrant if the purpose of the disclosure is to prevent the execution of the warrant. It would also expand its application so as to apply to the willful disclosure of a search warrant for a felony prior to the execution of the warrant. This bill would provide that this prohibition shall not prevent a disclosure made for the sole purpose of securing voluntary compliance with the warrant. It would create a state-mandated local program by expanding the definition of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 537 (AB 2722) N. Waters Agricultural products.

(1) Under existing law, applicants for processor of farm products and produce dealers licenses are required to pay specified fees determined by the annual dollar volume of business based upon farm product values.

This bill would increase those license fees with specified exceptions

The bill would make an appropriation since these fees are deposited in the Food and Agricultural Fund and are continuously appropriated.

(2) Existing law requires any person engaged in the business of buying, receiving on consignment, soliciting for sale on commission, or negotiating the sale of farm products, as defined, to obtain a produce dealers license.

This bill would except from the definition of farm product any flower or agricultural or vegetable seed not purchased from a producer.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 538 (AB 2882) Bronzan Electricity rates for agricultural producers

(1) Under existing law, electrical corporations are public utilities subject to the jurisdiction and control of the Public Utilities Commission which, among other things, establishes the rates at which electricity is furnished.

This bill would direct electrical corporations to prepare and file tariffs providing for optional interruptible, where economically and technologically feasible, and off-peak demand electrical service for agricultural producers, as defined. The commission would be required to establish the rate at an appropriate discount from the system average rate, which would be, not less than the cost of furnishing this service

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by creating a new crime.

The bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 539 (AB 2897) Harris. Family law.

Existing law provides that for the purpose of division of property upon dissolution of marriage or legal separation, property acquired by the parties during marriage in joint tenancy form is presumed to be community property. This presumption is rebuttable, as specified.

This bill would revise the applicability of the presumption by providing that the property must be in joint form. It also would make a statement of legislative intent with regard to the applicability of this provision and another related provision to property acquired and actions commenced prior to the operative date of this bill

Ch. 540 (AB 2965) Peace. Civil procedure.

(1) Under existing law, a person who causes a notice of pendency of an action to be filed is required to serve a copy of the notice on adverse parties added to the action by amendment of the pleadings.

This bill would require this notice to be provided to any adverse party originally identified in a pleading by a fictitious name when the pleadings are amended to reflect the party's true name

(2) Existing law defines "immaterial allegation" for purposes of pleading in civil actions to include, in part, an allegation that is not essential to the claim or defense and an allegation that is not pertinent or supported by an otherwise sufficient claim or defense

This bill would instead include in the definition of "immaterial allegation" an allegation that is not essential to the statement of a claim or defense and an allegation that is neither pertinent nor supported by an otherwise sufficient claim or defense

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(3) Existing law sets forth the grounds for and effects of summary judgment and summary adjudication.

This bill would require a judge to specify one or more material facts raised by a motion for summary judgment as to which the court determines there exists a triable controversy when the motion is denied on the ground that there is a triable issue as to one or more material facts.

(4) Existing law authorizes the court to order, upon motion, that any money or other thing capable of delivery which is the subject of the litigation and is being held by one of the parties to the action as trustee for another party, or which is due another party, be deposited in court or delivered to such party.

This bill would authorize the court to make the same order for an item which should under the circumstances be held by the court pending final disposition of the action.

(5) Existing law provides that actions in civil cases may be dismissed under specified circumstances.

This bill would recast the provisions under which actions, causes of action, and defendants in civil cases may be dismissed, as specified.

Existing law provides for the entry of judgment if the defendant fails to answer the complaint in specified instances

This bill would extend those provisions to a cross-complaint, as specified.

Existing law authorizes the court to enter an interlocutory judgment in favor of a defendant who pleads in answer to the complaint or a cross-complaint a defense that the action is barred because another action is pending upon the same cause of action, and thereafter, if no other special defense is sustained, no trial of other issues can be had until a final determination of the other action.

This bill would, in addition, authorize the court to enter an interlocutory judgment as provided above when the party against whom a complaint or cross-complaint has been filed demurs to the complaint or cross-complaint based upon the fact that another action is pending between the same parties on the same cause of action.

Existing law provides that when the jury has for any reason been discharged without reaching a verdict, the court, on its own motion or upon motion of a party, after notice, may order judgment entered in favor of a party whenever a motion for directed verdict for that party should have been granted had a previous motion been made. The power of the court to act under this provision expires 30 days after the jury has been discharged, with a specified exception.

This bill would also provide for granting a motion for directed verdict as to some issues involved in an action and proceeding on the remaining issues after all parties have completed presentation of all evidence in a trial by jury unless the court specifies an earlier time. The bill would provide that the final judgment shall reflect the verdict ordered by the court as determined by the motion for directed verdict. The bill would specify that if the motion is granted, it shall operate as an adjudication upon the merits. In addition, the bill would provide that in actions arising out of injury to a person or property, when a motion for a directed verdict has been granted to a defendant on the basis that the defendant was without fault in the case, no other defendant during trial, over the plaintiff's objection, shall attempt to attribute fault to or comment on the absence or involvement of the defendant who was granted the motion.

This bill also would make technical nonsubstantive changes in the law.

Ch. 541 (AB 2971) Moore. Architecture.

Existing law defines the practice of architecture as the performance of specific services and provides that a person engages in the practice of architecture when he or she holds himself or herself out as able to, or who does, perform those services.

This bill would redefine the practice of architecture and would specify that the practice of architecture is defined as the offering or performing, and being responsible for, professional services which require the skill of an architect. Those professional services would include, among other things, the coordination of the work of technical and special consultants, compliance with applicable codes and regulations, and assistance in the governmental review process, technical assistance in the preparation of bid documents and agreements between clients and contractors, contract administration,

and observation of construction

The bill would specify that these changes do not constitute a change in, but are declaratory of, existing law.

Ch. 542 (AB 3495) Klehs. Political Reform Act of 1974: additional requirements

(1) Under the Political Reform Act of 1974, the Legislature or any other state or local agency may impose additional requirements on any person. However, no local government agency may enact any ordinance imposing filing requirements which are in addition to, or different from, those set forth in the act unless the additional or different requirements apply only to candidates, their controlled committees, or committees formed primarily to support or oppose their candidacies or committees formed primarily to support or oppose a local ballot measure.

This bill would allow these ordinances to apply as well to existing committees which were formed primarily to support or oppose a candidate or local ballot measure voted on only in that jurisdiction, and to city or county general purpose committees active in that city or county.

(2) Under the Political Reform Act of 1974, candidates, committees, and elected officers are required to file specified periodic statements and reports, including preelection statements.

This bill would exclude candidates, their controlled committees, and committees primarily formed to support or oppose those candidates from filing certain preelection statements in instances where the candidate is not being voted upon.

(3) Under the Political Reform Act of 1974, a committee primarily formed to support or oppose the qualification of a ballot measure and a proponent of a state ballot measure who controls such a committee are required to file a campaign statement for the period ending 28 days after the deadline for filing petitions, or 28 days after the measure has either qualified or failed to qualify, no later than 35 days after the deadline for filing petitions, or 35 days after the measure has either qualified or failed to qualify, whichever is earlier.

This bill would instead require the filing of these campaign statements not later than 35 days after the deadline for filing petitions or the date of notification that the measure has failed to qualify, whichever is earlier. In the case of a measure which has qualified for the ballot, campaign statements would be required to be filed not later than 15 days prior to the deadline for submission of the ballot argument in favor of the measure or 35 days after the measure has qualified, whichever is earlier.

(4) Under the Political Reform Act of 1974, a preelection statement for an election held in June for the period ending March 17 shall be filed no later than March 22.

This bill would provide for preelection statements where a special election is called after March 17, or for which the period for filing nomination documents ends after March 17, as specified.

Ch. 543 (AB 3521) Papan. Own recognizance release.

Existing law authorizes a court of competent jurisdiction or a magistrate to issue an order that a defendant in a criminal case be discharged from actual custody upon posting bail. Existing law authorizes a person to be released on his or her recognizance in the court's discretion.

This bill would prohibit a defendant charged with a violent felony from being released on his or her own recognizance where it appears by clear and convincing evidence that he or she previously has been charged with a felony offense and has willfully and without excuse from the court failed to appear in court as required while that charge was pending.

This bill would require the judge or magistrate who, pursuant to these provisions, grants or denies release on a person's own recognizance to state within the time period prescribed by specified provisions of existing law the reasons for that decision in the record and to include these reasons in the court's minutes.

This bill would declare that it is to take effect immediately as an urgency statute

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Ch 544 (AB 3615) Johnson. Political Reform Act of 1974 committees: statement of organization

Under the Political Reform Act of 1974, a "committee" is defined, among other things, as any person or combination of persons who directly or indirectly receives contributions totaling \$500 or more in a calendar year. These committees are required to file with the Secretary of State a statement of organization within 10 days after qualifying as a committee.

This bill would require these committees to file the original of the statement with the Secretary of State and a copy with the local filing officer, if any, as specified.

This bill would also require these committees to file a statement of organization by telegram or personal delivery within 24 hours of qualifying as a committee, if the committee qualifies as a committee, or an amendment to the statement of organization if the committee changes specified information in its statement of organization, before the date of an election in connection with which the committee is required to file preelection statements, but after the closing date of the last preelection statement required to be filed.

Ch 545 (AB 3784) Cortese. Mechanic's lien. construction lenders

Under existing law, as a precondition to claiming a mechanic's lien, a claimant not under direct contract with the property owner is required, with certain exceptions, to provide a specified preliminary 20-day notice (private work) to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender or reputed construction lender, if any

This bill would require contracts between contractors and property owners, except specified home improvement and swimming pool contracts, to contain space to identify the name and address of the construction lender or lenders and would require the contractor to provide this information to persons seeking to serve a preliminary 20-day notice (private work) The bill would also require the property owner to provide the name and address of any lender providing a construction loan after commencement of construction to persons who have given the owner a preliminary 20-day notice (private work)

Ch 546 (AB 3824) Klehs. Political Reform Act of 1974 committees.

Under the Political Reform Act of 1974, a committee, as defined, is required to file a statement of organization, identifying, among other things, the name, street address and a telephone number of each person, if any, with which the committee is affiliated or connected.

This bill would delete this requirement.

Under the Political Reform Act of 1974, in the case of a sponsored committee, as defined, the name of the sponsor must be disclosed in the committee statement of organization. Whenever a committee has more than one sponsor, and the sponsors are members of an industry or other identified group, a term identifying that industry or group is also required to be included in the statement

This bill would delete this provision and instead require, with respect to sponsored committees, that the name of the committee shall also include the name of its sponsor. In the event that a committee has more than one sponsor, and the sponsors are members of an industry or other identifiable group, a term identifying that industry or group shall be included in the name of the committee

This bill would also require that the name, street address and telephone number of each sponsor be included in a committee's statement of organization.

This bill would also make technical nonsubstantive changes to existing law.

Ch. 547 (AB 3835) Stirling. Sales. warranties.

Existing law imposes various requirements upon manufacturers making express warranties with respect to consumer goods.

This bill would (1) require every manufacturer of consumer goods sold in this state making an express warranty to make available to authorized service and repair facilities sufficient service literature and replacement parts to effect repairs during the express

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warranty period; and (2) require every manufacturer making an express warranty with respect to specified electronic or appliance products with a wholesale price to the retailer of not less than \$50 and not more than \$99.99, to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of a product for at least 3 years after the date a product model or type was manufactured, regardless of whether the 3-year period exceeds the warranty period of the product, and with respect to specified electronic or appliance products with a wholesale price to the retailer of \$100 or more, to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of a product for at least 7 years after the date a product model or type was manufactured, regardless of whether the 7-year period exceeds the warranty period of the product.

Ch. 548 (AB 4101) Wright. Common interest developments: assessments.

Existing law requires an association managing a common interest development subject to the Davis-Stirling Common Interest Development Act to levy regular and special assessments sufficient to perform its obligations under that act and the development's governing documents.

This bill would prohibit these associations from imposing assessments, penalties, or fees exceeding the amount required for the purpose levied.

Ch. 549 (SB 1954) Mello. Insanity release.

Under existing law, if at the trial for restoration of sanity of a defendant who has been committed to a state hospital or other treatment facility, the court rules adversely to the applicant, the court may place the applicant on outpatient status, unless by a preponderance of the evidence it is shown that the applicant does not meet specified conditions.

This bill would delete the requirement that it must be shown by a preponderance of the evidence that the applicant does not meet the specified conditions in order to prevent the applicant from being placed on outpatient status.

Ch. 550 (AB 2891) Jones. Income taxes. bank and corporation taxes.

The existing Personal Income Tax Law incorporates federal income tax provisions, as amended through a fixed date, which provide a one-time exclusion of gain, up to specified dollar amounts, on the sale of a principal residence.

This bill would provide that the dollar amount of the exclusion shall be the same as allowed for federal purposes as determined by the taxpayer's filing status for federal purposes even though the taxpayer is prohibited from filing a joint return pursuant to a specified statute under the Personal Income Tax Law.

Under existing law, the Franchise Tax Board has responsibility for the administration and collection of the taxes imposed under the Bank and Corporation Tax Law and the Personal Income Tax Law.

This bill would provide that if the Franchise Tax Board makes an erroneous payment to a taxpayer, that amount may be assessed and collected pursuant to specified statutes pertaining to mathematical errors. It would further provide that interest on those amounts shall not accrue until 30 days from the date the Franchise Tax Board mails written notice demanding repayment.

This bill would provide that in the absence of regulations of the Franchise Tax Board, where provisions of the Bank and Corporation Tax Law conform to the Internal Revenue Code, regulations adopted under the Internal Revenue Code shall govern the interpretation of the comparable provisions, with due account for difference in federal and state terminology, effective dates, substitution of "income year" for "taxable years" where appropriate, substitution of "Franchise Tax Board" for "secretary" when appropriate, and other obvious differences.

This bill would set forth rules in connection with allowing or requiring a taxpayer to make an election, to file an application, or to seek consent under the Bank and Corporation Tax Law.

This bill would permit the Franchise Tax Board to determine under the Bank and Corporation Tax Law which items of tax preference shall be properly adjusted where the tax treatment giving rise to those items will not result in the reduction of the

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taxpayer's tax treatment under the law relating to the tax on preference income for any income years.

Under the existing Bank and Corporation Tax Law, a penalty, in the form of an addition to this tax, is imposed when it is determined that there has been an underpayment of estimated tax

This bill would provide that if the amount of estimated tax due and payable is only the minimum franchise tax, then the addition to the tax with respect to any underpayment of any installment shall be calculated only on the basis of the applicable minimum franchise tax with certain exceptions.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, if the Franchise Tax Board or the State Board of Equalization, as the case may be, finds that there has been an overpayment of any liability by a taxpayer for any year for any reason, the amount of the overpayment is required to be credited against any amount then due from the taxpayer and the balance refunded to the taxpayer.

This bill would permit, instead of require, the amount of this overpayment to be credited against any amount then due from the taxpayer and would still require the balance to be refunded to the taxpayer

Ch 551 (AB 2930) La Follette Hazardous waste transportation: registration.

(1) Existing law requires that persons transporting hazardous waste be registered with the State Department of Health Services. Existing law also imposes various criminal penalties for the unlawful transportation of hazardous waste.

This bill would require any person transporting hazardous waste to have a valid registration in his or her possession and to show the registration, upon demand, to a representative of the department, officer of the California Highway Patrol, local health officer, or any public officer designated by the department. The bill would authorize a registered person to obtain additional copies of the registration upon payment of a \$2 fee for each copy. The bill would subject any person convicted of transporting, or authorizing the transportation of, hazardous waste in violation of that provision to a fine of not more than \$500, imprisonment in the county jail for not to exceed 6 months, or both.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by creating a new crime concerning the transportation of hazardous waste and by imposing a new duty upon counties, cities, and districts which transport hazardous waste.

This bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch. 552 (AB 3154) Grisham. Mobilehomes

Under existing law, the Department of Housing and Community Development is required to adopt regulations to provide for continuing education for persons engaged in the sale of manufactured homes, mobilehomes, and commercial coaches. Among other things, these regulations are required to include a requirement that a dealer or salesperson who applies for a license renewal on or after January 1, 1987, but no later than July 1, 1987, achieve no less than 12 hours of continuing education and that a salesperson who applies for license renewal on or after July 1, 1987, but no later than July 1, 1988, achieve no less than 24 hours of continuing education. The law also provides that the original and the renewal of a salesperson's license shall expire on the applicant's 3rd birthday following issuance.

This bill would repeal the provision requiring that a salesperson's license shall expire on the applicant's 3rd birthday following issuance and include salespersons within a provision stating every license or decal issued to a manufacturer, distributor, dealer, or

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transporter shall expire on the last day of the 24th month following the date of issuance of a temporary permit. The bill would also change the date for applying for a renewal of a license or decal and provide that late renewal applications shall not be accepted. The fee for license renewal goes into the Mobilehome-Manufactured Home Revolving Fund, which is a continuously appropriated fund. Thus, accelerating license renewal would result in the acceleration of the payment of fees into a continuously appropriated fund and would constitute an appropriation. The bill would also exempt from the continuing education requirement those persons licensed only to sell commercial coaches, and would revise the department's power to prescribe course content and topic requirements for the continuing education courses and the department's power to adopt regulations. It would also revise the continuing education requirements for dealers and salespersons to require that a dealer or salesperson whose license expires on or after July 1, 1987, but no later than January 1, 1988, achieve no less than 12 hours of continuing education and that a dealer or salesperson whose license expires on or after January 1, 1988, achieve no less than 24 hours of continuing education.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 553 (AB 3258) Frizzelle. Defamation.

Existing law requires various persons to report known or suspected instances of child abuse, and provides that any person so required is not liable for any required report. Existing law also provides that any other person reporting a known or suspected instance of child abuse is not liable as a result of any authorized report unless a false report was made and the person knew it was false.

This bill would provide that any person, other than one required to make a report, who makes a report of child abuse known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused.

Ch. 554 (AB 3298) Bader. Workers' compensation: disaster service workers.

Existing law provides that a disaster service worker and his or her dependents have no right to receive workers' compensation from the state, from the disaster council with which he or she is registered, or from the county or city which has empowered the disaster council to register and direct his or her activities, except as provided in provisions which specify limited conditions of receiving compensation and benefits by disaster service workers.

This bill would repeal the above provisions which specify limited conditions of receiving compensation and benefits by disaster service workers and would instead provide that disaster service workers duly registered by a disaster council while performing services under the general direction of the disaster council shall be entitled to all the same workers' compensation benefits as any other injured employee. However, liability for the payment or furnishing of compensation would be dependent upon and limited to the availability of money specifically appropriated for this purpose.

This bill would also provide that an unregistered person impressed into performing service as a disaster worker during an emergency shall be entitled to the same workers' compensation benefits as any other disaster service worker.

This bill would impose a state-mandated local program by increasing workers' compensation benefits which local public agencies will be required to pay to disaster service workers.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 555 (AB 3634) Bradley. Community services districts: municipal water districts.

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(1) Existing law relating to community services districts permits those districts to adopt regulations binding on all persons concerning the use and maintenance of their facilities and property and provides that violation of those regulations is a misdemeanor.

This bill would provide that a community services district granted authority to perform various activities relating to the maintenance and construction of roads, bridges, and other public works shall have the powers, duties, and authority of a county road commissioner in and on the streets accepted for maintenance by the district, and would provide that any person who makes openings or excavations in a highway or performs other specified activities in and about a highway without a written permit from the district is guilty of a misdemeanor. This bill would impose a state-mandated program by creating a new crime.

(2) Existing law authorizes the establishment of zones within a community services district for the purpose of incurring bonded indebtedness to pay for improvements and services, to fix and collect special rates or charges and taxes, or for the levying of special taxes for improvements and services and prescribes the procedure for the issuance of the bonds.

This bill would additionally authorize the use of these financing methods to provide for the acquisition of improvements but would delete the authority to fix and collect taxes for improvements and services. The bill would also provide an alternate procedure for issuing the bonds.

(3) Under the Municipal Water District Law of 1911, the board of directors of a municipal water district is authorized to form improvement districts within the district to accomplish specified purposes.

This bill would authorize the board of a district to consolidate 2 or more improvement districts formed for the purpose of providing fire protection. The board would be required to adopt a prescribed consolidation resolution and to publish notices and hold hearings on any proposed consolidation of improvement districts.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 556 (SB 1991) Maddy School facilities: leases.

Existing law authorizes a school district to enter into leases or agreements with non-profit public benefit corporations under certain circumstances.

This bill would require the governing board of a school district to call an election if it has adopted a resolution, as specified, declaring its intention to enter into a lease or agreement with nonprofit public benefit corporations on the issuance of the lease. The bill would authorize the election only if specified conditions are fulfilled. The bill would require the election to be held in conjunction with either a statewide primary or general election, or an election date specified in another provision of statutory law.

This bill also would make various technical and internal code reference corrections.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 557 (SB 2534) Ellis. Vehicles: violations.

Existing law requires that, for offenses under the Vehicle Code, the time specified in the notice to appear be a specific date at least 21 days after the arrest, and permits the court having jurisdiction to authorize the arresting officer to state on the notice that an appearance at an earlier time may be made.

This bill would permit the court having jurisdiction over the offense charged, in the case of juveniles, to require the arresting officer to indicate on the notice "to be notified" rather than a specific date.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 558 (AB 91) Elder. Transportation: noise attenuation barriers.

Under existing law, the California Transportation Commission is required to adopt an

annual and 5-year estimate of all state and federal funds reasonably expected to be available to each region for transportation purposes

Under existing law, the Department of Transportation is required to develop and implement a priority system, on the basis of specified criteria, for ranking the need for installation of noise attenuation barriers along freeways in the California freeway and expressway system and, consistent with available funding, to begin a program of construction of noise attenuation barriers. Under existing law, if a city or county constructs noise attenuation barriers, pursuant to specified criteria, prior to the time that the barrier reaches the priority for state funding, the department is required to reimburse the city or county when the funding priority is reached.

This bill would require the commission, in its annual and 5-year estimate of funding availability, to include state reimbursement for those noise attenuation barriers constructed by a city or county. The bill would prohibit the department from adding any new noise attenuation barrier project to the priority list ahead of a project that has been funded by a city or county and is awaiting state reimbursement.

Ch. 559 (AB 526) Bane. Health insurance

Existing law requires nonprofit hospital service plans which contract for alternative rates, to give reasonable consideration, as defined, to timely written proposals for affiliation or contracting, as specified, by licensed or certified professional providers, except as otherwise provided.

This bill would require a nonprofit hospital service plan, in every description of plan benefits and in the directory of participating providers, to state that the plan will reimburse subscribers for services of any licensed provider, whether or not that provider contracts with the plan. The plan would be required to list within the directory of participating providers every licensed provider category, as specified, and include appropriate definitions of each license category.

Ch. 560 (AB 1409) Johnston. Witnesses. compensation.

(1) Existing law gives witnesses, including those who testify at a deposition, the right to receive witness fees and mileage, and provides that in a case other than a workers' compensation case, any party desiring to take the deposition of a person retained as an expert by another party to the case, solely for the purpose of obtaining that person's expert opinion, shall pay the expert a reasonable fee not exceeding the expert's customary fee, as specified.

This bill would instead make the latter provision applicable when the expert is not a party to the action and is deposed by another party primarily for the purpose of obtaining that person's expert opinion.

(2) Existing law provides that in a workers' compensation case, a party desiring to take the deposition of a person retained as an expert by another party to the case shall pay the expert a reasonable fee not exceeding the expert's customary fee, as specified.

This bill would limit that provision to instances in which the expert is not a party to the action.

(3) Existing law provides that a person who is not a party to the action and who is required to testify before any court or tribunal, or in the taking of any deposition, solely as to his or her expert opinion, shall receive reasonable compensation, as specified, to be set by the court, except when there is an express contract providing for such compensation.

This bill would extend that provision to instances in which the person is required to testify primarily, rather than solely, as to his or her expert opinion.

Ch. 561 (AB 1953) Elder. Public schools. health and welfare benefits.

Under existing law, local public school employers who elect to provide health and welfare benefits for their certificated employees are required to permit enrollment therein of any former certificated employee who retired therefrom and his or her spouse and by any surviving spouse of a former certificated employee who retired therefrom.

This bill would, among other things, clarify the existing provisions relating to eligibility and enrollment in district health and dental care plans for public school retirees.

This bill would also add to that law definitions of "certificated employee," "school district," and "spouse."

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 562 (AB 2932) Tucker. Medi-Cal audits

Existing law provides for the auditing of amounts paid for services provided to Medi-Cal beneficiaries and for the recovery of any overpayments made to the providers of health services and pharmaceutical services.

Existing law also provides that the amount of any underpayment to a provider shall be determined and credited toward the amount of any overpayment due to the department.

This bill would limit the department's authority to offset those underpayment amounts to overpayments to those claims of the provider which arose during the audit period.

Existing law requires the State Department of Health Services to establish, by regulations, an administrative appeal process, as specified, to review grievances or complaints of a provider of Medi-Cal covered pharmaceutical services arising from the findings of an audit or examination, and authorizes the hearing officer to assign the administrative appeal of a noninstitutional provider to an informal level of review, when appropriate, which must be conducted within a specified time

This bill would specify that the impartial hearing shall be conducted by an administrative law judge, would revise the time period within which the informal review or the impartial hearing must be completed, and would specify that if the department fails to conduct the hearing within that time, the department's claim resulting from the audit shall be dismissed and the provider absolved from all obligation to pay the amount of the claim.

Ch. 563 (AB 3160) Calderon. Insurance. California Insurance Guarantee Association.

Under existing law, the California Insurance Guarantee Association, established by member insurers, pays and discharges certain obligations of insolvent member insurers. The association pays claims from premium payments collected from member insurers. The difference between the initial premium charge and the adjusted premium charge is required to be refunded or charged to each member insurer, as specified.

This bill would instead require that amount of premium difference be charged or credited to each insurer. The bill would also make related changes

Ch. 564 (AB 3703) Johnston. Landlord and tenant. security deposits.

(1) Existing law regulates the amount and application of security deposits given by tenants to landlords.

This bill would include within these provisions payments, fees, charges, or deposits to remedy future tenant defaults in obligations under the rental agreement to restore, replace, or return personal property or appurtenances, exclusive of ordinary wear and tear.

(2) Existing law requires a landlord to furnish a tenant terminating the tenancy and any transferee of the landlord with prescribed information concerning security deposits and their application.

This bill would require the landlord to transmit this notice to the tenant by personal delivery or mailing, as specified, and would require the notice to be itemized. The bill would require the notice to the landlord's transferee to contain an itemization of lawful deductions made by the landlord from the security.

Ch 565 (AB 3724) Clute. Contracts for the lease or rental of athletic facilities: anabolic steroids

Existing law regulates contracts for health studio services, as defined, and the operation of professional boxers' training gymnasiums, as defined

This bill would require contracts for the lease or rental of athletic facilities, defined as including health studios, professional boxers' training gymnasiums, and publicly or

privately owned sports facilities or stadiums, as specified, to contain a warning as to the illegality of aiding or abetting in the unlawful sale, use, or exchange of anabolic steroids, testosterone, and human growth hormone. Commencing June 1, 1987, the warning also would be required to be posted in all athletic facilities which have locker rooms. The requirements would apply to certain contracts entered into by local entities, and thus, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 566 (AB 3768) Clute State military service: personnel.

(1) Under existing law, the California National Guard is composed of general officers, the staff corps and departments, officers and enlisted members on the retired and reserve lists, and the organizations forming the National Guard and persons commissioned and enlisted therein. The Governor may organize and reorganize any organization, department, or corps of the National Guard.

This bill would permit the Governor to assign, reassign, or transfer commissioned and warrant officers from one organization to another or to the retired or reserve list, or direct the Adjutant General to take any of these actions.

(2) Under existing law, members of the state military forces who are wounded, injured, disabled, or killed on state active duty in the line of duty remain on state active duty for 26 weeks from the date of wounding, injury, or disability, regardless of the date of expiration of the period of state active duty, unless the member becomes entitled to disability compensation from any other public or private employer, is able to return to his or her regular civilian employment, or requests an earlier release from active duty. If none of these events has happened, the member becomes entitled to workers' compensation following this 26-week period.

This bill would require the state to provide disability and death benefits or compensation comparable to that provided to members of the United States armed forces on active duty for officers, warrant officers, and enlisted members on active duty with the Office of the Adjutant General.

(3) Under existing law, a school board having jurisdiction may appoint officers in the California Cadet Corps for duty in each college, community college, high school, junior high school, or elementary school under its jurisdiction, and those officers are under the school board's immediate jurisdiction.

This bill would, instead, require the Adjutant General to make these appointments upon the recommendation of the governing board having jurisdiction, and would provide that, except when ordered to duty by the Governor, these officers are under the governing board's immediate jurisdiction. The bill would delete the application of these provisions to colleges. The bill would also permit the Adjutant General to order officers in the corps to duty at encampments, exercises, and other activities conducted by the corps, and would provide for their pay and expenses while on that duty.

(4) Existing law authorizes, for members of the National Guard, State Military Reserve, and Naval Militia, specified decorations, including the Commendation Ribbon.

This bill would designate the Commendation Ribbon as the Commendation Medal.

(5) Existing law authorizes the Adjutant General to conduct competitions and competitive military exercises, to issue badges or insignia in this connection and for excellence in marksmanship, drill attendance, and military training, and to authorize participation in rifle competitions, as specified.

This bill would revise these provisions to authorize the issuance of ribbons, as well as badges and insignia, for competitive military training, rather than for military training, and for marksmanship competitions, rather than for rifle competitions.

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Ch. 567 (AB 2001) Eaves Preventive Health Care for the Aging program.

Existing law provides for the Preventive Health Care for the Aging program, administered by the State Department of Health Services, in order to assist local agencies to provide preventive health care to elderly persons

This bill would require the California Conference of Local Health Officers, in consultation with representatives of the State Department of Health Services, the Department of Aging, the Association of Area Agencies on Aging, and the Advisory Council to the Area Agencies on Aging to conduct a survey of the need to expand the Preventive Health Care for the Aging program, both in local health departments in counties currently being served by the program, and into local health departments in counties currently not being served.

The bill would require a report of the findings and recommendations made pursuant to the bill to be submitted to the Legislature by April 1, 1987

The bill would require the State Department of Health Services to provide any funds necessary to implement the bill

The bill would repeal its provisions on January 1, 1988.

Ch 568 (AB 2967) Peace. Health insurance free choice notice.

Existing law does not require health care service plans, disability insurers, nonprofit hospital service plans, and self-insured employee welfare benefit plans, which restrict the choice of physicians or health care facility to inform prospective enrollees that their choice of physician or health care facility may be affected as to who they may be able to see for health care.

This bill would so require. Specifically, it would require a statement clearly describing how participation in the policy or plan may affect the choice of physician, hospital, or other health care providers to be included in the disclosure form and evidence or certificate of coverage and a notice, as specified, to be placed conspicuously on all material required to be given to prospective insureds or enrollees including promotional and descriptive materials, disclosure forms, certificates, and evidences of coverage. It would, however, provide that the names of individual health care providers shall not be required to be enumerated to prospective enrollees.

The bill would also authorize the continued use of existing promotional and descriptive material, disclosure forms, and evidence or certificates of coverage until January 1, 1988.

Ch 569 (AB 3378) Moore. Insurance.

Existing law, with respect to automobile insurance, provides that in order to ensure homogeneity of loss experience in geographic areas used for rating purposes by admitted insurers, records of loss experience for geographic areas, including statistical data by zip code area, shall be available for examination by the Insurance Commissioner

This bill would require these records of loss experience to be submitted annually to the commissioner for examination by each insurer, and would require these records be made available to the public, as specified.

This bill would provide that an insurer may satisfy its obligation to report statistical data pursuant to this bill by providing its loss experience data to a rating or advisory commission. This bill would require all information submitted to the department to be confidential.

This bill would incorporate additional changes in Section 11628 of the Insurance Code, proposed by AB 711, to be operative only if AB 711 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last

Ch 570 (AB 3603) Agnos. Wages, hours, and working conditions.

Existing law requires the Industrial Welfare Commission to fix the wages, hours, and working conditions of employees

Existing law also permits specified types of employers meeting specified conditions to institute alternative work schedules different than those required by the commission if confirmed by an affirmative vote by secret ballot by at least $\frac{2}{3}$ of the affected employees.

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This bill would require any employer who intends to use a flexible scheduling technique, as permitted by an order of the commission, requiring a vote of the affected employees to make a full disclosure in writing to each of the affected employees, would require that the disclosure in the health care industry include meetings to discuss the effects of flexible scheduling, and would provide that failure to comply with these requirements would make the election null and void.

Ch. 571 (AB 3743) Molina. Medi-Cal.

Existing law provides that specified health care practitioners may bill independently for service provided under the Medi-Cal program, and requires the State Department of Health Services to establish a pilot project, until June 30, 1987, under which nurse practitioners are permitted to bill independently for services provided in a skilled nursing facility or an intermediate care facility, as specified, and to establish a reimbursement rate for nurse practitioners who choose to bill independently under the pilot project. Under this pilot project, nurse practitioners shall continue to bill through physicians for Medicare patients until such time as relevant federal regulations are changed or until waivers of relevant federal regulations are obtained.

This bill would delete the June 30, 1987, repeal date of the provision requiring the State Department of Health Services to establish the pilot project, and would specify that the pilot project shall be in operation for one year.

Existing law requires the State Department of Health Services to submit a report to the Legislature on or before June 30, 1987, concerning the implementation of those provisions of law.

This bill would instead, require the department to submit a report to the Legislature no later than 3 months after the completion of the project.

Ch. 572 (AB 3843) Clute. Credentials.

Existing law provides that all fees levied and collected by the Commission on Teacher Credentialing shall be deposited in the Teacher Credentials Fund and are continuously appropriated to support the activities and functions of the commission. Existing law provides that it is the intent of the Legislature that the commission in consultation with the Department of Finance levy fees for the issuance and renewal of teaching and service credentials to raise sufficient revenues to support the commission's activities and functions. The fee shall not exceed \$40.

This bill would delete the continuous appropriation of the fees to the commission and the intent of the Legislature that the commission levy fees in the prescribed manner. The bill would instead provide that, commencing January 1, 1987, the fee for the issuance and renewal of teaching and service credentials shall be \$50. The bill would authorize the commission to set a different fee in subsequent years, not to exceed \$65 without express legislative approval. The bill also would provide that the Department of Finance and the Legislative Analyst recommend to the Legislature an appropriate credential fee, not to exceed \$65, sufficient to generate revenues to support the operating budget of the commission plus a prudent reserve.

The bill would create the Test Development and Administration Account in the Teacher Credentials Fund into which, effective July 1, 1987, all fees collected by the commission for tests, examinations, or assessments would be deposited. It would require that, unless otherwise authorized by the Legislature, funds deposited in this account be expended solely for the development, maintenance, or administration of tests or other assessments established, required, or administered by the commission. However, it would permit the Department of Finance, if there is a deficiency in the Teachers Credential Fund, to authorize a loan from the account to the fund to the extent needed to cover the projected deficiency.

This bill would require, effective July 1, 1987, that all excess revenues collected by the commission in fiscal year 1986-87, as determined by the Department of Finance, but not to exceed \$800,000, be transferred from the Teachers Credential Fund to the Test Development and Administrations Account.

The bill would provide that funding for the development costs of examinations required by specified provisions of existing law shall be subject to appropriation in the

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annual Budget Act

Ch. 573 (AB 4264) Vasconcellos. Payment of claims.

(1) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

This bill would appropriate \$5,928,000, as scheduled, from the General Fund to the Controller for the payment of specified claims against the state for reimbursable mandates.

(2) The bill would require the Commission on State Mandates to amend, as specified, the parameters and guidelines for the reimbursement of claims under 2 specified statutes

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch 574 (AB 1809) Tanner. Hazardous substances.

(1) Existing law establishes a statutory scheme for the provision of comprehensive health education programs in the public schools. Existing law requires each county to prepare a county solid waste management plan.

This bill would make legislative findings regarding the importance of hazardous substances education programs

The bill would require the State Department of Education, on or before July 1, 1987, to prepare and distribute to school districts a list and description of hazardous substance educational materials and curricula, including soliciting suggestions from the California Waste Management Board and the advisory committee specified in (2) below.

The bill would impose a state-mandated local program by requiring each county solid waste management plan to identify a program for the safe management of hazardous wastes which are generated by households and which should be separated from the solid waste stream, to the extent the county determines a need for such a plan.

(2) Existing law prescribes the requirements for hazardous waste control programs administered by the state. Under existing law, the California Waste Management Board generally regulates the disposal of solid waste

This bill would declare the intent of the Legislature

The bill would require the board, in consultation with an advisory committee which the board would be required to establish with specified membership and duties, to develop and implement a public information program concerning household hazardous substances, as prescribed. The board would be required to establish guidelines and state policies to guide local governments in providing community services concerning household hazardous substances and to designate a household hazardous waste coordinator to advise and assist local governments.

The bill would authorize cities or counties to authorize an increase in solid waste collection fees to offset the cost to the city or county in establishing, publicizing, and maintaining a household hazardous waste management program

The bill would require that, where an appropriately licensed private sector center is utilized under a permit or existing franchise, the costs of handling, hauling, and disposing of household hazardous wastes be paid through fees or rates charged for services

The bill would require the board to report to the Legislature on or before January 1, 1988, concerning household hazardous waste management

The bill would define terms.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 575 (AB 3261) Bradley. State Teachers' Retirement System.

Under the Bagley-Keene Open Meeting Act, state bodies, as defined, are required to hold open meetings except under specified circumstances, including consideration of the appointment, employment, or dismissal of a public employee.

This bill would, in addition, provide that the Bagley-Keene Open Meeting Act does

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not prevent the Teachers' Retirement Board from holding a closed session when considering matters pertaining to the appointment or removal of the chief executive officer of the State Teachers' Retirement System.

This bill would also incorporate additional changes to Section 11126 of the Government Code, proposed by AB 4230 and SB 2173, contingent upon the enactment of the other bills.

Ch. 576 (AB 3421) Hannigan. Portable classrooms.

The existing Emergency School Classroom Law of 1979 requires the State Allocation Board to lease portable classrooms to qualifying school districts and county superintendents of schools under specified circumstances.

This bill, in addition, would authorize the board to lease portable classrooms to any school district or county superintendent of schools which serves infant or preschool individuals with exceptional needs, as defined, if the district or county operates a special education program, as specified. This bill would require that these classrooms be adequately equipped, as specified

Ch. 577 (AB 2802) Felando. Open meetings.

Existing law requires that certain open meeting procedures be followed by both local and state agencies as defined. Existing statutes do not specifically require regional centers for the developmentally disabled to comply with any open meeting procedures.

This bill would specifically require regional centers for the developmentally disabled to comply with open meeting procedures, as specified

Ch. 578 (AB 3751) Cortese. Local agencies: permanent road divisions: air pollution control districts.

(1) Under existing law, public entities and employees are not liable for injuries occurring on account of the grading or the performance of other maintenance or repair on a road that is not part of the road system under the jurisdiction of the entity.

This bill would extend the protection from liability to reconstruction or replacement of roads within a permanent road division, and would define "reconstruction or replacement" for this purpose.

(2) Under existing law, a permanent road division is a district or a special district for purposes of the Cortese-Knox Local Reorganization Act of 1985.

This bill would exclude a permanent road division from classification as a district or a special district under the act.

(3) The bill would also revise procedures for annexation, detachment, or consolidation of permanent road divisions.

(4) The bill would also make corrective-nonsubstantive changes.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 579 (SB 633) Robbins. Courthouse construction: Los Angeles County.

Existing law authorizes Los Angeles County, on and after June 1 in any fiscal year, to make temporary transfers of moneys in the Robbins Courthouse Construction Fund to the county general fund to assist the county in balancing its general fund. This authorization expires on June 1, 1986.

This bill would extend this authorization until June 1, 1988, and revise the priorities with respect to the areas for courthouse construction in Los Angeles County, as specified.

Ch. 580 (SB 1502) Bergeson. Validations.

This bill would enact the Second Validating Act of 1986, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would take effect immediately as an urgency statute.

Ch. 581 (SB 1503) Bergeson. Validations.

This bill would enact the Third Validating Act of 1986, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Ch 582 (SB 1658) Stiern. Local agencies: investment of excess funds.

(1) Existing law contains various provisions governing the investment of excess funds by public agencies. Existing law generally permits the board of supervisors and the legislative body of a city within the county to contract for the performance of city functions by county officers and employees.

This bill would permit a local agency, as defined, to deposit excess funds in the county treasury, with the consent of the county treasurer, for investment by the county treasurer, as specified.

This bill would state that it is the intent of the Legislature in enacting this provision to provide an alternative procedure for local agencies to deposit money in the county treasury for investment purposes and not to limit the authority of cities and counties to contract for the performance of treasury functions by a county for a city.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 583 (AB 2953) Jones. Local agencies: applications for financial assistance: convictions.

Existing law does not specifically provide that local agencies may require an applicant for economic development loans, grants, or similar financial assistance to sign a statement under penalty of perjury that he or she has not been convicted of a felony.

This bill would so provide and would thereby create a new crime thus imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 584 (AB 2991) Stirling. Driving offenses: arrest.

Existing law authorizes a peace officer to arrest any person without a warrant if the peace officer reasonably believes that the person had been driving while under the influence of an alcoholic beverage, any drug, or both, under specified circumstances.

This bill would require that provision of law to be liberally construed for specified reasons. The bill would state that it is declaratory of existing law.

Ch. 585 (AB 3316) McClintock. Prisoners.

Existing law provides that an escaped prisoner is a fugitive from justice.

This bill would provide that the Director of Corrections has full power to order returned to custody any person under the director's jurisdiction, and that the director's written order is sufficient warrant for any peace officer to return any escaped prisoner. It would make it the duty of all peace officers to execute that order in like manner as ordinary criminal process, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 586 (AB 3584) Wright. Marine fishery resources.

(1) Under existing law, it is declared to be the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state.

This bill would direct the Department of Fish and Game to conduct research and management studies of marine fishery resources, and to closely monitor changes in the status of any marine fishery resource. The bill would require the department, if it

determines, based on specified factors, that a marine fishery resource cannot be maintained at levels necessary to meet specified policies and objectives, to report that determination to the Legislature, including recommendations on measures necessary to rehabilitate the resource.

(2) Under existing law, the Fish and Game Preservation Fund is continuously appropriated to the department to carry out the provisions of the Fish and Game Code.

Because this bill would make the moneys available for a new purpose, it would make an appropriation.

Ch 587 (AB 3642) Stirling. Crimes: fines.

Under existing law, persons convicted of specified drug related crimes are required to pay a \$50 criminal laboratory analysis fee. For some of those crimes, a judge is authorized to require a person to pay a \$50 fine in addition to any other penalty prescribed by law.

This bill would increase the number of crimes which, upon conviction, require the imposition of a criminal laboratory analysis fee, and would make the additional, authorized fine mandatory.

Ch. 588 (AB 3644) Stirling. Crimes trials

Existing law requires that all criminal actions in which a minor is detained as a material witness or is the victim of the alleged offenses, or in which any person is a victim of certain sex crimes, as specified, be given precedence over all other criminal actions in the order of trial.

This bill would add crimes in which a person who was 70 years of age or older at the time of the alleged offense or is a dependent adult, as defined, was a witness to, or is a victim of, the alleged offense to the list of crimes which shall be given precedence in the order of trial.

Ch 589 (SB 1660) Stern Municipal utility districts. rates and charges collections

(1) Under existing law, a municipal utility district may impose a penalty of not more than 10% on the collection of delinquent accounts, and may sue for collection.

This bill would permit a district to, in addition, include interest at the prevailing prime interest rate, but not to exceed 1½% per month, on delinquent accounts and to require payment by the owner of property when services were furnished to a lessee, tenant, or other occupant of the property.

The bill would also authorize accounts which are delinquent to become a lien on the property to which services were rendered when a certificate to this effect is filed for recordation with the county recorder. The district would be required to file for recordation a release of the lien upon payment of the amount due. By requiring county recorders to accept and file these certificates, and to impose specified charges therefor, the bill would impose a state-mandated local program. These provisions would not apply to delinquent accounts for electrical or residential water service.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 590 (SB 2167) Maddy. Controlled substances manufacturing. nuisance.

Existing law provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away controlled substances, and every building or place wherein or upon which these acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

This bill would provide, in addition, that every building or place used for the purpose of unlawfully manufacturing controlled substances, and every building or place wherein or upon which the unlawful manufacture of controlled substances takes place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or

private nuisance. This bill would provide that these provisions are applicable as well to acts performed with respect to specified precursors and analogs of controlled substances.

Ch. 591 (SB 2261) Maddy. Wildlife: military lands.

(1) Existing law does not expressly authorize the Fish and Game Commission or the Department of Fish and Game to develop and implement by regulation and agreements a wildlife management program on federal military installations.

This bill would authorize such a program, as specified

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and commission to carry out the Fish and Game Code.

Because this bill would make the money available for a new purpose, it would make an appropriation.

Ch. 592 (SB 2367) Nielsen. Courts.

Existing law provides for one municipal court with one judge in Butte County, the Chico Judicial District.

This bill would repeal and reenact provisions relating to the Chico Judicial District, reorganizing and renaming the Chico Judicial District to be the North County Judicial District, and creating a 2nd municipal court in Butte County, the South County Judicial District, each district to have 2 judges, thereby increasing the number of municipal court judges for Butte County by 3

The bill would become operative upon the adoption of a specified resolution by the Board of Supervisors of Butte County and the transmittal of that resolution to the Secretary of State.

Ch. 593 (SB 2411) Royce. Housing authorities.

Existing law does not specifically permit a housing authority to deposit its funds with the county treasurer.

This bill would permit a housing authority to deposit its money with the county treasurer. The bill would require the county treasurer to disburse the funds upon warrants of the county auditor issued at the request of the housing authority. This bill would create a state-mandated local program by imposing new duties on the county treasurer and county auditor. The bill would permit the county to require the housing authority to reimburse the county for costs incurred by the county in implementing this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 594 (SB 2597) Beverly. California State Library

Existing law allows the State Board of Control to charge administrative costs to various agencies for the supervision or administration of state government or for services rendered by the Legislature, Controller, Treasurer, State Personnel Board, Department of General Services, State Board of Control, State Department of Finance, Office of Administrative Law, Department of Personnel Administration, the Secretary of the State and Consumer Services Agency, the Secretary of the Business, Transportation and Housing Agency, the Secretary of the Health and Welfare Agency, the Secretary of the Resources Agency, and the Secretary of the Youth and Adult Correctional Agency.

This bill would include among those agencies the California State Library.

Ch. 595 (AB 1830) Harris. Technology transfer and education.

Existing law establishes the University of California and provides for the exercise of various functions by the university.

This bill would make various findings and declarations concerning the need for small

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businesses to have access to advanced technology in order to create jobs and economic stability.

The bill would request the university to conduct an experimental 4-year transfer project to provide specified assistance to meet that small business need, serving initially the 5 bay area counties covered by the Association of Bay Area Governments.

This bill would declare the intent of the Legislature that the project be funded on a fee-for-service basis, as specified

Ch. 596 (AB 2679) Moore. Highway carriers motor vehicle repair and maintenance records

(1) Under existing law, highway common carriers are subject to regulation by the Public Utilities Commission under the Public Utilities Act and highway permit carriers are subject to regulation by the commission under the Highway Carriers' Act, and these carriers are, among other things, required to keep various books, accounts, and records of their activities and status available for inspection by the commission.

This bill would require every highway common carrier and highway permit carrier to keep a current repair and maintenance record for each motor vehicle used in carriage for compensation showing specified repair and maintenance information. Under other provisions of law, a violation of this requirement would be a crime, thereby imposing a state-mandated local program

The bill would also provide that any carrier keeping a record in compliance with regulations of the Department of the California Highway Patrol is in compliance with the above requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 597 (AB 2769) Sher Administrative law

Under existing law, the Office of Administrative Hearings, through utilization of administrative law judges, is empowered to conduct administrative hearings between specified state agencies and parties appealing the decisions of those agencies

Existing law allows administrative law judges and, before the administrative hearing has commenced, the agency involved in the hearing, to issue subpoenas in accordance with specified requirements.

Under existing law, requirements pertaining to a notice which must be issued to a witness as part of a subpoena, and the ability of a subpoenaed person and the party upon whose request the subpoena was issued, to enter into an agreement permitting the subpoenaed person to appear at another time or upon such notice as may be agreed upon, do not apply to hearings conducted by the Office of Administrative Hearings.

This bill would make the above requirements applicable to hearings conducted by the Office of Administrative Hearings

This bill would permit a prehearing conference to be held on motion of a party or at the request of an administrative law judge.

The bill would specify various types of issues which could be covered by the prehearing conference, and would require the administrative law judge to issue a prehearing order incorporating the issues determined during the prehearing conference

The bill would make other technical nonsubstantive changes.

Ch. 598 (AB 2901) Bane. Premium finance agencies insurance premium financing

Existing law exempts from provisions relating to notice of rejection, limiting the amount of finance charge, and setting the aggregate finance charge with respect to insurance premium financing, a bona fide consumer insurance premium finance loan with a principal amount of \$10,000 or more or any other bona fide loan with a principal amount of \$5,000, as specified

This bill would revise that exemption to apply to any bona fide loan with a principal

amount of \$2,500, as specified.

Ch. 599 (AB 3022) Floyd. California Firefighter Joint Apprenticeship Program.

Under existing law, one of the duties of the State Fire Marshal is to promote participation in, sponsor, and administer the California Firefighter Joint Apprenticeship Program, as the preemployment recruitment, selection, and training system to be utilized for entry level firefighters

This bill would provide that the program would be sponsored jointly by the State Fire Marshal and the Federated Firefighters of California.

Ch. 600 (AB 3110) Connelly Prisoners and parolees: criminal information.

(1) Existing law requires the Department of Corrections to provide within 10 days, upon request, to the chief of police of a city or the sheriff of a county, information available to the department, including photographs of a specified size, and, in conjunction with the Department of Justice, fingerprints, concerning persons then on parole who are or may be residing or temporarily domiciled in that city or county.

Existing law provides for the establishment and operation of community correctional centers by the Department of Corrections, and requires certain notice to local governments prior to a change in capacity or use of a center.

Existing law provides that the aforementioned provisions are operative until January 1, 1987, at which time existing law provides for their repeal and provides that provisions identical to prior versions of these provisions would become operative, thereby deleting a requirement as to the size of the photographs, deleting a requirement that fingerprints be furnished, and deleting a requirement of notification of a change in capacity or use of a community correctional center

This bill would provide that these currently operative provisions remain in effect by deleting the January 1, 1987, termination date and by repealing the provisions of law that would become operative on January 1, 1987.

(2) Existing law requires the Department of Corrections to make information regarding each person placed in a reentry or work furlough program by the department, including photographs, and, in conjunction with the Department of Justice, fingerprints, available to each chief of police and county sheriff Existing law specifies that these provisions shall remain in effect until January 1, 1987, at which time they would be repealed.

This bill would repeal the January 1, 1987, termination date

(3) Existing law requires the Department of the Youth Authority to provide, within 10 days, upon request to the chief of police of a city or the sheriff of a county, information available to the department, including photographs of a specified size and, in conjunction with the Department of Justice, fingerprints concerning persons then on parole who are or may be residing or temporarily domiciled in that city or county Existing law specifies that these provisions shall be operative until January 1, 1987, at which time existing law provides for their repeal and provides that provisions identical to the prior version of these provisions would become operative, thereby deleting a requirement as to the size of the photographs and a requirement that fingerprints be furnished

This bill would provide that the currently operative provisions remain in effect by deleting the January 1, 1987, termination date and would repeal the provisions which would become operative on January 1, 1987.

Ch. 601 (AB 3208) Moore Highway carriers: unlawful discrimination

(1) Under the Highway Carriers' Act, the Public Utilities Commission regulates the rates and charges, methods of operation, and conditions of service of highway carriers operating for compensation in this state Various penalties, including misdemeanor penalties, are provided for a violation of that act.

This bill would, as a provision of that act, prohibit any highway carrier from discriminating on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age in contractual or business relations with another carrier that relates to the provision of transportation services, and would permit any person injured by a violation of this requirement to institute an action

against the carrier for damages or an injunction, or both, and also would, in so doing, impose a state-mandated local program by creating a new crime.

The bill would provide that any right or remedy arising under its provisions are in addition to those arising under other specified laws relating to discrimination or any other law.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 602 (AB 3408) Connelly. American River Parkway Plan

(1) Under the Urban American River Parkway Preservation Act, the state has adopted the American River Parkway Plan to provide coordination with local agencies in the protection and management of the natural resources of the American River Parkway. The plan is defined, for the purposes of the act, as meaning management plans adopted by the County of Sacramento, by specified resolution, and the City of Sacramento, by specified resolution and ordinance, for the lower American River. The act requires that actions of state and local agencies taken with regard to land use decisions be generally consistent with the plan.

This bill would redefine the plan to mean revised, updated management plans adopted by the County of Sacramento on December 11, 1985, by a specified resolution and by the City of Sacramento on March 25, 1986, by a specified resolution. Since actions of local agencies taken with regard to land use decisions would be required to be generally consistent with the revised, updated plans, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 603 (AB 3540) McAlister. Civil procedure.

(1) Existing law specifies that all records transmitted or distributed by a professional photocopier shall be accompanied by a certificate containing specified information, including, among other things, an affidavit signed by the professional photocopier or his or her employee stating that certain official records authorized to be reproduced for transmittal were transmitted or distributed to the authorized persons or entities.

This bill would require the signed affidavit to state that these records shall be transmitted or distributed to the authorized persons or entities.

(2) Existing law provides that an order granting or denying a motion to expunge a notice of pendency of action made pursuant to specified provisions of existing law shall not be appealable, and provides that a party aggrieved by that order may petition the proper reviewing court to review the order by writ of mandate.

This bill would require that a copy of the petition for a writ of mandate shall be delivered to the clerk of the trial court with a request that it be placed in the trial court file.

(3) Existing law prescribes the requirements for the issuance of subpoenas and subpoenas duces tecum, including the requirement that the court clerk, or if there is no clerk, a judge, issue a subpoena or subpoena duces tecum signed and sealed but otherwise in blank to a party requesting it, who is thereafter required to fill it in before service.

This bill would authorize a clerk or a judge to issue a subpoena or subpoena duces tecum by deleting the requirement that a judge may issue these subpoenas only if there is no clerk.

(4) Existing law provides that any person who is subpoenaed and required to give a deposition shall be entitled to receive the same witness fees and mileage as if the subpoena required him or her to attend and testify before a court in which the action or proceeding is pending.

This bill would provide that notwithstanding this requirement, the only fees owed to a witness who is required to produce business records pursuant to specified provisions of existing law pursuant to a subpoena duces tecum, but who is not required to personally attend a deposition away from his or her place of business, shall be those required under specified provisions of existing law

(5) Existing law requires certain health care providers and entities to make available patient records under their control for inspection and copying by an attorney or his or her representative promptly upon the presentation of written authorization therefor.

This bill would prohibit copying to be performed by these providers and entities or by any agent of theirs when the requesting attorney has employed a professional photocopier or other specified persons as his or her representative to obtain or review the records on his or her behalf. This bill would provide that the presentation of the authorization by the agent on behalf of the attorney shall be sufficient proof that the agent is the attorney's representative

Existing law provides that all reasonable costs incurred by any person or entity in making patient records available pursuant to these provisions may be charged against the person whose written authorization required the availability of those records

This bill would define "reasonable costs" as including, but not limited to, these specific costs: a 10¢ charge for standard reproduction of documents of a size 8½ by 14 inches or less; 20¢ per page for copying of documents from microfilm, actual costs for the reproduction of oversize documents or the reproduction of documents requiring special processing which are made in response to an authorization, reasonable clerical costs incurred in locating and making records available to be billed at the maximum rate of \$16 per hour per person, computed on the basis of \$4 per quarter hour or fraction thereof; actual postage charges; and actual costs, if any, charged to the witness by a 3rd person for the retrieval and return of records held by that 3rd person

(6) Existing law provides that all reasonable costs incurred in a civil proceeding by any witness who is not a party with respect to the production of certain records requested pursuant to a subpoena, are chargeable against the party serving the subpoena. Existing law defines the term "reasonable costs" as meaning 10¢ per page for standard reproduction of documents of a specified size

This bill would define "reasonable costs" as including, but not limited to, these specific costs: a 10¢ charge for standard reproduction of documents of a size 8½ by 14 inches or less, 20¢ per page for copying of documents from microfilm, actual costs for the reproduction of oversize documents or the reproduction of documents requiring special processing which are made in response to an authorization, reasonable clerical costs incurred in locating and making the records available to be billed at the maximum rate of \$16 per hour per person, computed on the basis of \$4 per quarter hour or fraction thereof; actual postage charges; and actual costs, if any, charged to the witness by a 3rd person for the retrieval and return of records held by that 3rd person

This bill would provide that where the records are produced for inspection or photocopying at the record custodian's place of business, the only fee for complying with the subpoena shall not exceed \$15

(7) Existing law prescribes the requirements for the delivery and sealing of legible and durable copies of all of the records described in a subpoena duces tecum by a custodian of records or qualified witness who is required to deliver these records

This bill would authorize as an alternative to the procedures provided in existing law that a subpoenaing party may direct the witness to make the records available for inspection or copying by the party's attorney or the attorney's representative at the witness' business address under reasonable conditions during normal business hours. This bill would provide that it is the responsibility of the attorney's representative to deliver any copy [of]* the records as directed in the subpoena.

Existing law requires that a custodian of documents or other qualified witness who is required to deliver the above records shall include an affidavit containing specified statements with respect to the delivery of these records

This bill would include within the affidavit a statement that the records described in a subpoena duces tecum were delivered to the attorney or his or her representative for

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copying at the custodian's or witness' place of business, where applicable.

This bill would provide that where the records described in the subpoena were delivered to the attorney or his or her representative for copying at the custodian's or witness' place of business, in lieu of the above-described affidavit, the records shall be accompanied by an affidavit by the attorney or his or her representative stating that the copy is a true copy of all the records delivered to the attorney or his or her representative for copying.

Existing law governing the production of business records provides that the personal attendance of the custodian or other qualified witness and the production of the original records is not required unless, at the discretion of the requesting party, the subpoena compelling the production includes a statement to this effect.

This bill would provide that where the records are produced for inspection or photocopying at the witness' place of business, the only fee for complying with the subpoena shall not exceed \$15.

Existing law provides that the personal attendance of the custodian or other qualified witness and the production of the original records is not required unless, at the discretion of the requesting party, the subpoena duces tecum contains a clause which provides, among other things, that the only fee for the copying of original records shall be \$12.

This bill would require the subpoena duces tecum to include a clause which provides that the only fee for the copying of original records shall be \$15, except for the retrieval of records stored on microfilm which may be charged at a rate established under other provisions of law.

Ch. 604 (AB 3600) N. Waters. Redevelopment: Lake Tahoe region.

(1) Under the existing Community Redevelopment Law, there is in each community, as defined, a redevelopment agency of the community, which cannot function and exercise any powers until the legislative body of the community, by ordinance, declares there is a need for the agency to function in the community. Existing law authorizes redevelopment agencies to select blighted areas of the community, known as project areas, for redevelopment. Existing law defines a blighted area as an area which is characterized by properties which suffer from economic dislocation, deterioration, or disuse because of one or more specified factors which cause a reduction or lack of proper utilization of an area to the extent that it constitutes a serious physical, social, or economic burden on the community that cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

This bill would include, within the meaning of a blighted area, the existence within the Lake Tahoe basin of substandard public or private facilities and improvements, insufficient open space, or water quality protection systems which do not comply with the environmental threshold carrying capacities established by the Tahoe Regional Planning Agency and the regional plan in accordance with the Tahoe Regional Planning Compact.

Existing law requires a redevelopment plan for a project area to conform to a general plan adopted by the city or county for that area.

This bill would require any redevelopment plan for a project area meeting the above criteria for a blighted area to be consistent with the regional plan adopted by the Tahoe Regional Planning Agency and the remedial programs adopted by the agency for the attainment of that plan.

The bill would make a conforming change in another provision of the Community Redevelopment Law.

This bill would impose a state-mandated local program by requiring certain county officials to perform additional tasks if territory that meets the expanded definition of blight as provided in this bill is included in a project area.

(2) This bill would incorporate additional changes in Section 33320.1 of the Health and Safety Code, proposed by AB 2884, but only if AB 2884 and this bill are both chaptered and this bill is chaptered last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates

Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 605 (AB 3924) Margolin. Subpoenas.

Existing law specifies the method and manner for the issuing and serving of a subpoena duces tecum for the production of personal records pertaining to a consumer, as defined, which are maintained by any "witness" which is a physician, hospital, bank, or others, as specified. The law requires the subpoenaing party to serve a copy of the subpoena duces tecum on the consumer whose records are being sought.

This bill would include the records of a psychotherapist, as defined, and a private or public school, in the definition of personal records for those purposes and would specify the manner of serving a copy of the subpoena on the consumer if the consumer is a minor. The bill also would specify the general manner of the service of a subpoena on a minor.

This bill would incorporate additional changes in Section 1985.3 of the Code of Civil Procedure, proposed by SB 1980, to be operative only if SB 1980 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch. 606 (AB 4326) Chacon. Counties and cities: permits: insurance.

Under existing law, counties and cities issue various types of permits.

This bill would prohibit a city or county from requiring an applicant for a building or encroachment permit to file a certificate of insurance evidencing coverage for bodily or property damage liability as a condition to the issuance of either, or both, of those permits unless the city or county adopts that requirement by ordinance.

The above provisions would not apply to contracts for public works of improvement entered into by a city or county.

Ch. 607 (SB 1506) Marks. Open space lands.

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) contain no authorization for the publication or dissemination of information concerning the act to interested parties or any requirement regarding the compilation of data concerning the act's implementation by local entities.

This bill would permit the Department of Conservation to meet with and assist federal, state, regional, and local entities, organizations, landowners, or any other person or entity in the interpretation of the act and to research, publish, and disseminate information regarding the act's policies, purposes, procedures, administration, and implementation. This bill would require the department, on or before December 31 of each year, to report to the Legislature regarding the act's implementation by cities and counties. The report would be required to contain certain information.

Existing provisions of the act contain various legislative findings and declarations relating to the necessity and purpose of the act.

This bill would specify additional legislative findings and declarations relating to the hindrance or impairment of agricultural operations by increased population resulting from certain compatible uses and, in this connection, would require cities and counties to determine uses deemed to be compatible uses in recognition of these findings.

Existing provisions of the act require the payment of cancellation fees as deferred taxes by landowners upon the cancellation of land conservation contracts executed under the act. These fees are required to be transmitted to the state. In addition, the act requires the payment of additional deferred taxes by landowners upon cancellation of land conservation contracts in an amount computed, as specified, and reduced by the amount of any cancellation fees paid. These deferred taxes are required to be distributed to local taxing agencies.

This bill would delete the requirement for the payment of additional deferred taxes.

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Ch. 608 (SB 1537) Deddeh Property taxation.

Existing law provides for the reassessment of real property whenever changes in ownership occur. It specifically provides that change in ownership includes the transfer of stock of a cooperative housing corporation, as defined by an obsolete code section, vested with legal title to real property which conveys to the transferee the exclusive right to occupancy and possession of such property, or a portion thereof.

This bill would define "cooperative housing" as a real estate development in which membership in the corporation, by stock ownership, is coupled with the exclusive right to possess a portion of the real property.

Under existing property tax law applicable to supplemental assessments, with respect to certain property tax exemptions which are available but for which a timely application for exemption was not filed, 80% of any tax or penalty or interest thereon is to be canceled or refunded, as specified.

This bill would recast that provision to specify that that portion of tax attributable to 80% of the amount of exemption available is to be canceled or refunded, as specified.

The existing property tax law applicable to supplemental assessments provides that if a refund is due the assessee, the auditor shall make the refund within 90 days of the date of enrollment of the negative assessment on the supplemental roll.

This bill would provide that those refunds shall be limited to the amount by which the tax, penalty, or interest paid exceeds the amount of tax, penalty, or interest which is lawfully due and owing based upon the new base year value.

Existing property tax law provides that when valuing property by comparison with sales of other properties, in order to be considered comparable, among other things, the sales shall be sufficiently near in time to the valuation date. For purposes of that law, the term "near in time to the valuation date" is defined to exclude any sale more than 90 days after the lien date.

This bill would delete the definition of the term "near in time to the valuation date."

Under existing law, the State Board of Equalization is permitted to enter, as specified, written agreements to exchange information with tax officials of other states. Those agreements must require, among other things, for the destruction of this information upon completion of its use.

This bill would eliminate the requirement that those agreements include provision for the destruction of the information upon completion of its use.

This bill would delete obsolete language in code sections dealing with the assessment of documented vessels, the homeowners' property tax exemption, the disabled veterans' exemption, and the duties of the assessor regarding statistical statements.

This bill would make various technical and clarifying supplemental changes to laws dealing with the disabled veterans' exemption, the assessor's duty with respect to assessing all property subject to general property taxation, the assessor's duty with respect to disclosing information or permitting access to records, state assessee penalties, procedures for reimbursement by the state for the classification or exemption of property, and sales and use taxes on new mobilehomes.

Ch. 609 (SB 1641) Stiern. Hazardous substance liability. sanitarians and public health officers

Existing law provides that a public entity or public safety employee is not liable for an injury caused by any action taken by a public safety employee acting within the scope of employment to abate or attempt to abate hazards reasonably believed to be an imminent peril to public health or safety caused by the discharge, spill, or presence of a hazardous substance, unless the action taken was performed in bad faith or in a grossly negligent manner, as specified.

This bill would additionally include registered sanitarians who are employees of a state or local public entity and county public health directors within this immunity provision, under specified conditions.

Ch. 610 (SB 1665) Stiern Dairy products. yogurt: contents.

(1) Existing law prescribes the contents and labeling requirements for yogurt, lowfat yogurt, and nonfat yogurt.

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This bill would specify that the milk fat requirements for these types of yogurts apply before the addition of bulky flavors and would revise other content requirements for these products, the labeling requirements for lowfat yogurt, and the content requirements for bulky flavored yogurt.

(2) The bill would also establish standards for lactose reduced dairy products. Violation of these standards would be a misdemeanor; thus the bill would impose a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 611 (SB 1680) L. Greene. Surveying and Mapping: California Coordinate System.

(1) Existing law establishes the California Coordinate System which divides the state into 7 zones based on the 1927 North American Datum for use in defining and stating positions and locations in surveying and mapping in California.

This bill would also establish the California Coordinate System of 1983 based on the North American Datum of 1983 as established by the National Geodetic Survey, and would divide the state into 6 zones, as described, for purposes of the new system. The bill would revise the plane coordinates established by law for these purposes and, would make related changes.

The bill would require ~~the publication of specified coordinates by any public agency to be in conformity with specified standards and specifications; and would require~~ [, on or]* after January 1, 1995, that [,]* when State Plane Coordinates are used on new surveys and new mapping projects, the use be limited to the California Coordinate System of 1983, thereby imposing a state-mandated local program.

The bill would state legislative intent.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement is required by this act for a specified reason, but would recognize that local agencies and school districts may pursue any remedies to obtain reimbursement available to it under specified provisions.

Ch. 612 (SB 1813) Deddeh. County recorder: notice of abstract of judgment.

Existing law requires the county recorder, upon recordation of an abstract of judgment or other document creating an involuntary lien against real property which contains the address of the judgment debtor or person against whom the lien is recorded, or the attorney therefor, to so notify them by mail of the recordation.

This bill would eliminate the requirement that the county recorder give this notice if the judgment creditor provides proof of service, as specified. This bill also allows the judgment creditor to add the costs of service to the judgment or involuntary lien.

Under existing law, the failure of the county recorder to give notice of the recordation of an abstract of judgment does not affect the constructive notice imparted by recordation nor does this failure affect the force, effect, or priority of the lien.

This bill would extend this provision of existing law to include the failure of a judgment creditor or lienholder to notify the judgment debtor or the judgment debtor's attorney of record.

Ch. 613 (SB 1967) Montoya. Subdivisions.

(1) Existing law requires that, when any area in a subdivision or proposed subdivision as to which a tentative map has been filed but a final map has not been finally approved, is annexed to a city, all procedures and regulations required by the Subdivision Map Act or by local ordinance of the annexing city be deemed to commence as of the effective

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date of the annexation and requires that the map comply with the requirements of any applicable ordinance of the city to which the area is annexed.

This bill would make these requirements expressly applicable also to any area in a subdivision or proposed subdivision as to which a vesting tentative map has been filed but a final map has not been finally approved is annexed to a city.

(2) Under existing law, a subdivider may file a vesting tentative map, which, with exceptions, gives the subdivider a vested right to continue with a project.

This bill would provide that an approved or conditionally approved vesting tentative map shall not limit a local agency from imposing reasonable conditions on subsequent approvals and permits authorized by specified ordinances, policies, and standards. The bill would also specify procedures to follow in securing a vested right to proceed in certain instances involving changed ordinances, policies, or standards, and would make technical changes.

Ch. 614 (SB 2096) Deddeh. Income taxes: military pay: bank and corporation taxes: minimum tax: professional athletic teams.

Under the existing Personal Income Tax Law, the entire taxable income of every nonresident or part-year resident which is derived from sources in this state is subject to tax as if the nonresident or part-year resident were a resident multiplied by the ratio of California source adjusted gross income to total adjusted gross income from all sources. The existing federal Soldiers' and Sailors' Civil Relief Act provides that the compensation for military or naval service of a nonresident shall not be deemed income for services performed within, or from sources within, any state of which that person is not a resident.

This bill would provide that gross income shall not include compensation for military or naval service within the meaning of an existing provision of the federal Soldiers' and Sailors' Civil Relief Act performed by a nonresident not domiciled in this state and attributable to a resident spouse solely because of the application of any community property law or rule.

Under the existing Bank and Corporation Tax Law, the income of a professional athletic team, as defined, whose operations are based in California is subject to special apportionment rules.

This bill would provide that for purposes of the minimum franchise tax on corporations an entity which operates a professional athletic team shall be treated as a corporation. It would also provide that the liability of any corporation owning any portion or share of that entity shall be satisfied by payment of the minimum tax by that entity, provided the corporation is not otherwise doing business in this state.

This bill would take effect immediately as a tax levy.

Ch. 615 (SB 2215) Mello. Guardianships and conservatorships

Existing law specifies the places where a guardian or conservator may fix the residence of a ward or conservatee.

This bill would require a guardian or conservator, when fixing the residence of a ward or conservatee in this state, to select the least restrictive appropriate setting which is available and necessary to meet the needs of the ward or conservatee, and which is in the best interests of the ward or conservatee.

Ch. 616 (SB 2222) Marks. Assault and battery.

Existing law provides generally that an assault is punishable by a fine not exceeding \$1000, or by imprisonment in the county jail not exceeding 6 months, or by both. A battery is generally punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding 6 months, or by both.

This bill would provide that if an assault is committed by a person who is a party to a civil or criminal action in which a jury is selected and if the assault is committed against a juror or alternate juror who was selected and sworn in that action and if it is committed while the action is pending or after the conclusion of the trial, the offense shall be punishable by a fine not to exceed \$2,000, or by imprisonment in the county jail not exceeding one year (a misdemeanor), or by both such fine and imprisonment, or by

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imprisonment in the state prison (a felony).

This bill would provide that when a battery is committed by a person who is a party to a civil or criminal action in which a jury is selected and if the battery is committed against a juror or alternate juror who was selected and sworn in that action and it is committed while the action is pending or after the conclusion of the trial, the offense shall be punishable by a fine not to exceed \$5,000 or by imprisonment in the state prison for 16 months, or 2 or 3 years (a felony), or by imprisonment in a county jail for a term not to exceed one year (a misdemeanor), or by both a fine and imprisonment.

Existing law provides that every person who commits any assault against specified federal, state, and local governmental officials, the district attorney, or the chief of police of any municipal police department in retaliation for or to prevent the performance of the victim's official duties, shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

This bill would add public defenders to the above list of persons.

This bill would impose a state-mandated local program by expanding the definition of a crime and increasing the penalty for a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 617 (SB 2236) Vuich. Tear gas.

Existing law directs the Department of Justice to issue a permit for the possession and transportation of tear gas or tear gas weapons upon proof that good cause exists for the issuance thereof to the applicant.

Existing law requires an application to state, among other things, the address of the business.

This bill would authorize a bank, a savings and loan association, a credit union, or an industrial loan company which maintains more than one office or branch to make a single annual application for a permit. It would require any location additions or deletions as to offices or branches to be reported to the department within 60 days of the change. The issuance of a single permit would allow for the possession, operation, and maintenance of tear gas at each office or branch named in the application, including location changes.

Ch. 618 (SB 2237) Vuich. Real property.

Existing law requires the beneficiary or mortgagee of a senior lien on real property containing 1 to 4 residential units, upon receipt of written request therefor, to provide a notice containing information relating to delinquencies of the trustor or mortgagor to the beneficiary or mortgagee of a junior lien.

This bill would provide that the rights and obligations specified in that provision inure or pass to successors in interest of the parties, provided that any successor in interest of the parties entitled to the above-specified notice shall file a request for that notice with any beneficiary or mortgagee of the senior lien and shall pay a processing fee of \$15.

Ch. 619 (SB 2476) Vuich. Electricity purchase. small power producer.

Existing law requires the Public Utilities Commission to approve and establish equitable charges to be paid by an electrical corporation which purchases electricity or electrical generating capacity, or both, from any private energy producer, as specified, and the commission is authorized to specify the prices, terms, and conditions for that purchase or sale.

This bill would require the commission to make a written report to the Legislature not later than May 1, 1987, on whether pioneer small power producers entering into contracts prior to September 7, 1983, were unfairly denied the opportunity to adopt interim standard offer No. 4 and on available remedies.

The bill would require the commission to conduct any investigation or proceeding within the commission's existing budget.

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Ch. 620 (SB 2541) Hart. Political Reform Act: Commissioners.

Under the Political Reform Act of 1974, members of the Fair Political Practices Commission may not hold nor seek election to any other public office during their tenure on the commission.

This bill instead would provide that members of the commission may not hold any other public office during their tenure on the commission nor, during the term of appointment, seek election to any other public office.

This bill would also express legislative intent regarding the existing members of the commission.

Ch. 621 (AB 441) M. Waters. Crimes.⁷

(1) Existing statutory provisions provide that after conviction of a felony offense not punishable by death release on bail pending an appeal is a discretionary matter. However, the California Supreme Court has held that in exercising its discretion a trial court must provide an adequate statement of reasons for denying release pending appeal and that the court may consider (a) the likelihood of the defendant's flight, (b) the potential danger to society posed by the defendant's release, and (c) the frivolousness or lack of diligence in defendant's prosecution of his or her appeal.

This bill would require a court to order a defendant's release on bail pending appeal if the defendant demonstrates by clear and convincing evidence all of the following:

(a) By clear and convincing evidence, that the defendant is not likely to flee.

(b) By clear and convincing evidence, that the defendant does not pose a danger to the safety of any other person or the community.

(c) The appeal is not for the purpose of delay and, based upon the record in the case, raises a substantial legal question, as defined, which is likely to result in a reversal.

(2) Existing law requires a community-based organization supported under the Gang Violence Suppression Program to implement specified activities.

This bill would provide that a community-based organization funded under the program for specialized school prevention and intervention activities shall only be required to establish activities in the schools which are designed to discourage students from joining gangs and which offer or encourage students to participate in alternative programs.

(3) This bill would appropriate \$500,000 from the General Fund to the Office of Criminal Justice Planning for allocation and disbursement to community-based organizations which establish alternative activities under the bill. This appropriation would be available for encumbrance, as specified, in the 1986-87, 1987-88, and 1988-89 fiscal years.

(4) The bill would take effect immediately, as an urgency statute.

Ch. 622 (AB 3477) Stirling. Sale of school lands and lieu lands

(1) Under existing law, all deposits of minerals, other than oil and gas, in lands belonging to the state which have been classified by the commission as lands containing commercially valuable mineral deposits and all deposits of those minerals within lands embraced within a prospecting permit and not subject to a preferential lease to the permittee, may be leased by the commission on a competitive bid basis, as specified.

This bill would, in addition, except geothermal resources from those provisions and would authorize the lease of deposits of those minerals by negotiated lease or other agreement if the lands are determined by the commission to be unsuitable for competitive bidding, as specified.

(2) Existing law authorizes the State Lands Commission to sell specified school lands and lieu lands and includes provisions imposing acreage limits and actual settlement requirements for the sale of lands suitable for cultivation and authorizes the sale of timber separately from the land.

This bill would revise and recast those provisions to remove the acreage limitations and actual settlement requirement, allow the sale on conditions the commission deems in the state's interests, require timber separately sold to be removed in a specified manner, remove obsolete provisions, and make other technical changes.

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Ch 623 (AB 3538) Sher. Fish and game offenses: penalties.

(1) Under existing law, violations of the Fish and Game Code are, unless otherwise specified, misdemeanors, which are punishable by specified fines, imprisonment, or both. Certain specified misdemeanor offenses are punishable by greater fines, imprisonment, or both.

This bill would make second or subsequent violations of requirements for the review of project plans affecting rivers, streams, and lakes and violations of prohibitions on unauthorized diversion, deposits in, or obstruction of rivers, streams, or lakes, which occur on the same project or streambed alteration agreement, punishable by the greater fines, imprisonment, or both, thereby imposing a state-mandated local program by changing the penalty for crimes

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 624 (AB 3605) Grisham. AFDC: warrants. limitations.

Existing law, until January 1, 1985, required the envelope containing an AFDC warrant to bear statements that it is not to be forwarded and address correction is requested.

This bill would reenact that provision

Ch 625 (AB 3862) Peace Certified employees: allegations of misconduct

Existing law requires the Commission on Teacher Credentialing to meet at least once each month in at least 10 months each year. Existing law also specifies the time intervals applicable to investigations and certain meetings or hearings held after those investigations of the Committee of Credentials regarding allegations of misconduct and the effect thereof upon an application or credential of a certified employee.

This bill would reduce those time intervals, as specified, and would require the commission and the committee to meet more frequently, if possible, so that a meeting or hearing for the purpose of making a determination, relative to the effect, if any, of an allegation of misconduct upon the application or credential of a certified employee, is scheduled no later than 6 months after an investigation is commenced, as specified.

This bill would also require the commission to study the current teacher misconduct hearing and meeting process, as specified, and report its findings and recommendations to the Legislature by December 31, 1987.

Existing law authorizes the Commission on Teacher Credentialing to secure information pertaining to the moral character and true identity of the holder of a credential or of an applicant for a credential or for the renewal of a credential.

This bill would, instead, authorize the commission to require the production of this information from any public agency, except where that production is prohibited by law, pursuant to authority identified by the public agency, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 626 (SB 1644) Robbins State contracts procurement

Existing law relating to state agency procurement generally requires all written contracts for the sale or hiring of materials, supplies, or equipment in an amount of \$5,000 or more, and all other purchases or hiring of the same in an amount of \$5,000 or more, to be made or entered into with the lowest responsible bidder meeting specifications

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This bill would increase the specified dollar amount to \$10,000, and would make conforming changes in related provisions.

Existing law provides that, notwithstanding the above requirement, the Department of General Services may require that contracts or purchases in amounts from \$1,000 to \$5,000 be made only with the lowest responsible bidder meeting specifications.

This bill would delete this, and a related, provision.

Existing law authorizes the department, upon specified grounds, to remove a bidder from a list of qualified bidders for a period up to 90 calendar days, and to reinstate the bidder during the 90-day-period upon specified conditions.

This bill would extend the time for which a bidder may be removed from a list to a period of 90 to 360 calendar days, and would permit reinstatement of the bidder after 90 days upon the specified conditions.

Existing law generally requires that a contract for the purchase of goods be awarded or the bids rejected within 30 days.

This bill would extend this period to 45 days.

Existing law requires the Department of General Services to annually prepare a purchasing delegation program for district agricultural associations pursuant to specified criteria, including the condition that purchases not exceed \$5,000.

This bill would increase that amount to \$10,000.

Existing law authorizes any state agency which receives delegated authority to purchase materials, supplies, and equipment to make minimum specified purchases, including purchases not exceeding \$5,000 from vendors listed on price schedules, from vendors not listed on price schedules in specified circumstances, and from vendors at a price lower than state warehouse prices.

This bill would increase the purchase limitation to \$10,000.

Ch. 627 (SB 1684) Watson. Pharmacy: probationary certificates discipline by another state.

Existing law provides that the State Board of Pharmacy shall refuse a certificate, license, permit, registration, or exemption to any applicant guilty of unprofessional conduct.

This bill would provide, instead, that the board may refuse a certificate, license, permit, registration, or exemption to any applicant guilty of unprofessional conduct, and that the board may, in its sole discretion, issue a probationary certificate to any applicant for a pharmacist's certificate of licensure who is guilty of unprofessional conduct, but who has met all other requirements for licensure. The bill would provide that the probationary certificate may be issued subject to any terms or conditions not contrary to public policy, examples of which are given, may be revoked or suspended for a violation of those terms or conditions, and may be converted to a regular certificate, free of conditions, once probation is satisfactorily completed.

Existing law specifies various acts which are grounds for disciplinary action against a licensee or grounds for the denial of licensure of an applicant.

This bill would specify as grounds for disciplinary action against a licensee or grounds for the denial of licensure of an applicant, the revocation, suspension, or other discipline by another state of a license to do any act for which a license is required under this state's law regulating and licensing pharmacists.

Ch. 628 (SB 1726) B. Greene. Payment of wages: satisfaction of judgments.

Existing law permits the Labor Commissioner to provide for a hearing in any action to recover wages, penalties, and other demands for compensation and to determine all matters arising under his or her jurisdiction by issuing an order, decision, or award. After the order, decision, or award becomes final, the Labor Commissioner is required to file a copy of the order, decision, or award with a specified court, after which a judgment is required to be entered by the clerk, which may be enforced in the same manner as any other judgment of the court.

This bill would, in addition, require the Labor Commissioner to make every reasonable effort to ensure that judgments are satisfied, including taking all appropriate legal action and requiring the employer to deposit a specified bond.

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Ch. 629 (AB 3326) Moore. Blood tests.

Existing law provides that in a civil action in which paternity is a relevant fact, the court may order the mother, child, and alleged father to submit to blood tests, as specified.

This bill would provide that there is a rebuttable presumption, affecting the burden of proof, of paternity, if the court finds that the paternity index, as calculated by the experts qualified as examiners of genetic markers, is 100 or greater. It would specify that the presumption may only be rebutted by a preponderance of the evidence

Ch. 630 (SB 1870) Vuch. Health.

Existing law provides for the Medi-Cal program pursuant to which public assistance recipients and other low-income persons are eligible for health care benefits

In order to be eligible for services under the Medi-Cal program, a person is required to meet certain requirements, including being a resident of this state

This bill would specify that children under the jurisdiction of the county welfare department for placement services or who are in custody pending filing of a petition for placement and who are eligible for, or receiving, services from the county welfare department shall be deemed to meet the residence requirements of the Medi-Cal program. This provision would be implemented only to the extent that full federal financial participation is made available.

Ch. 631 (SB 2042) Watson. Vehicles: parking offenses.

(1) Existing law permits a person who has received a notice of parking violation, as specified, to plead not guilty in writing if the county board of supervisors has adopted an ordinance providing for that plea to be entered in writing in lieu of appearing in person.

This bill would make that procedure applicable statewide and delete the limitation to counties only with ordinances approving the procedure, thereby imposing a state-mandated local program.

(2) The bill would incorporate changes in Section 40519 of the Vehicle Code, proposed by AB 3082, which would become operative only if this bill and AB 3082 are both enacted and this bill is enacted last.

(3) The bill would require the Judicial Council to submit a report to the Legislature on the overall success of the program prescribed by the act on or before January 1, 1990

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 632 (SB 2114) Dills. Certificated employees: crimes.

Under existing law, there are no specific statutory provisions imposing criminal penalties for the submission of fraudulent documents upon application to the Commission on Teacher Credentialing for licenses, certificates, or credentials issued by the commission.

This bill would make it a misdemeanor, thereby imposing a state-mandated local program, for any person, individually or in a representative or other capacity, to alter specified documents with fraudulent intent; to assume any degree or title with the intent to represent that he or she has received that degree or title; to sell, barter, or offer to sell or barter any license, credential, or permit in connection with any application; to perform or attempt to perform any teaching or service under a false or assumed name; or to refuse or willfully fail to surrender upon demand of the commission, his or her license, credential, or certificate authorizing teaching service in the public schools upon revocation, suspension, or voiding of those documents by the commission.

This bill would also impose a state-mandated local program by providing that every person filing for record or attempting to file for record the license, credential, or certificate issued to another person, falsely claiming himself or herself to be the person named in or entitled to the license, credential, or certificate, is guilty of a misdemeanor and, upon conviction thereof, would be subject to imprisonment in the county jail for not

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more than one year.

This bill would require every fact necessary to establish the qualifications of an applicant for the issuance of any license, credential, or certificate to be verified under penalty of perjury. This bill would require an oath to this effect to be displayed prominently on each application form, and would require that oath to be dated and subscribed by the applicant.

This bill would authorize the commission to deny, suspend, revoke, or otherwise restrict a license upon grounds of subverting a licensing examination, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 633 (SB 2214) Mello. Medical information.

Existing law prohibits a provider of health care, as defined, from disclosing medical information regarding a patient of the provider without first obtaining an authorization, with specified exceptions. One exception authorizes the disclosure of medical information to a group practice prepayment health care service plan by certain providers.

This bill would authorize the disclosure of specified medical information to a probate court investigator engaged in determining the need for an initial conservatorship or continuation of an existent conservatorship, if the patient is unable to give informed consent.

Ch. 634 (SB 2216) Robbins. Crimes. restitution.

Existing law provides for the payment of restitution to victims of crimes and prescribes the requirements to be observed in determining the amount and manner of disbursement under an order requiring a defendant to make reparation or restitution to a victim of a crime.

This bill would provide that documentary evidence such as bills, receipts, repair estimates, insurance payment statements, payroll stubs, business records, and similar documents relevant to the value of the stolen or damaged property, medical expenses, and wages and profits lost shall not be excluded as hearsay evidence.

Ch. 635 (SB 2258) Dills. Certificated employees. crimes.

Existing law authorizes the Commission on Teacher Credentialing to revoke, suspend, or void the credentials of persons holding licenses, credentials, and certificates issued by the commission, as prescribed. Existing law specifies that a plea or verdict of guilty or a finding of guilty by a court in a trial without a jury is deemed to be a conviction within the meaning of specified provisions of current law, irrespective of a subsequent order issued under specified provisions of current law authorizing the withdrawal of a plea of guilty and entering a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

This bill would provide that an order for probation that would suspend the imposition of a sentence would also be deemed to be a conviction for these purposes.

Ch. 636 (SB 2398) Russell. Judges' Retirement System. survivor benefits.

The Judges' Retirement Law provides for the payment for life, or until remarriage, of a survivor benefit to a surviving spouse of a judge dying before retirement and for payment for life of a survivor benefit to a surviving spouse of a judge dying in office.

This bill would authorize a surviving spouse who is receiving the survivor allowance for death in office and was eligible for the survivor allowance for death before retirement, to elect, within a 24-month period after the death, to, instead, receive the survivor allowance for death before retirement.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 637 (SB 2584) Royce. Public Employees' Retirement System.

The Public Employees' Retirement Law provides various benefits for members and

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prescribes various definitions and the duties of various officers and employees.

This bill would include within the definition of "leave of absence," partial leaves of absence granted state members for specified purposes.

This bill would delete references to a chief actuary and refer, instead, to an actuary.

This bill would authorize the executive officer to delegate acts or duties to subordinates, as specified

This bill would also repeal an obsolete provision and would make various related, corrective, technical, and clarifying changes

Ch. 638 (AB 1945) Wright Insurance.

Existing law, with respect to group disability policies, provides for a coordination of benefits where there is other group disability coverage which results in an insured being eligible for more than 100% of the covered expenses.

This bill would make those coordination provisions applicable to administrators, as defined, and the administering of specified benefits

This bill would also conform a reference in a provision of law dealing with the assessment of reciprocal and interinsurance exchanges to reflect recent changes in a related provision of law.

Existing law requires an insurer to release to an authorized governmental agency, upon written request of certain designated peace officers, information relating to any specific insurance fraud.

This bill would make a technical correction in that provision.

Ch. 639 (AB 1995) M Waters. Housing: emergency shelters and transitional housing.

(1) Existing law prohibits a city, county, or city and county from discriminating against residential developments and emergency shelters based on specified criteria relating to the intended occupants.

This bill would add to the criteria the criterion of lawful occupation, and would prohibit discrimination against the owners as well as intended occupants of any residential development or emergency shelter based on those criteria. The bill would define residential development for these purposes. The bill would state that this change is declaratory of existing law.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 640 (AB 2645) Grisham. Juvenile court law: dependent children.

Existing law authorizes the removal of minors adjudged dependent children of the juvenile court from the physical custody of their parents, under certain circumstances. Certain children adjudged dependent children of the juvenile court may be placed for adoption, as specified.

This bill would provide for preferential consideration of a request by a relative of a child removed from the physical custody of his or her parents for placement of the child with the relative during the period of removal

Ch. 641 (AB 2674) Connelly. Open meetings: local agencies.

(1) Under existing provisions of the Ralph M. Brown Act and the Education Code, the actions of legislative bodies of local agencies and governing boards of school and community college districts are required to be taken openly and their deliberations are required to be conducted openly. Under these existing laws, the legislative body of a local agency and the governing boards of school and community college districts are not required to post an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting. Additionally, existing law does not prohibit any action to be taken, as defined, on any item not appearing on the posted agenda.

This bill would make this requirement and prohibition, with certain exceptions, as specified. The requirement would impose a state-mandated local program.

(2) The Ralph M. Brown Act does not require that every agenda for regular meetings provide an opportunity for members of the public to directly address the legislative body

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on items of interest to the public that are within the subject matter jurisdiction of the legislative body.

This bill would, except as specified, make this requirement and would require the legislative body to adopt reasonable regulations, as specified. These new requirements would impose a state-mandated local program.

(3) The Ralph M. Brown Act requires the legislative body of a local agency to give a specified notice of special meetings

This bill would, in addition, require a specified posting and make a conforming change.

Existing law requires that an agenda of special meetings of the governing boards of school and community college districts be posted at least 24 hours prior to special meetings.

This bill would additionally require that the posted notice specify the time and location of the meeting. This requirement would impose a state-mandated local program

(4) Existing law defines the term "action taken" and prescribes misdemeanor sanctions for each member of a legislative body who knowingly attends a meeting of the legislative body where action is taken in violation of the Ralph M. Brown Act. Existing law also authorizes any interested person to commence an action by mandamus, injunction, or declaratory relief to stop or prevent violations or threatened violations of statutory provisions relating to open meetings of local agencies or to determine the application of those provisions

Under existing law, as construed by the courts, any action taken at a meeting in violation of the Ralph M. Brown Act is nonetheless valid.

This bill would authorize any interested person to commence an action by mandamus, injunction, or declaratory relief to determine if certain actions taken by the legislative body of a local agency and the governing boards of school or community college districts are null and void, as specified. It would require the interested person to make a demand of the legislative or governing body to cure or correct the action, as specified, before commencing the action. It would provide that the fact that a legislative or governing body takes a subsequent action to cure or correct an action pursuant to this section shall not be construed, or be admissible, as evidence of a violation of the Ralph M. Brown Act.

(5) Existing law authorizes a court to award reasonable attorneys' fee to a plaintiff where it is found the local agency has violated provisions of law relating to open meetings, or to a prevailing defendant in cases in which the court finds the action was clearly frivolous and totally lacking in merit

This bill would authorize the award of reasonable attorneys' fees in actions to determine null and void the actions of a local agency as described in (4) above.

(6) The bill would also declare the Legislature's intent with regard to the application of the Ralph M. Brown Act to the governing boards of school and community [college]* districts.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 642 (AB 2784) Mojonnier. Food facilities

(1) Under the existing California Uniform Retail Food Facilities Law, various types of "food facilities" are defined.

This bill would define "stationary mobile food preparation unit" as one type of food facility for purposes of that law.

(2) Existing law limits the operation of a temporary food facility, as defined, to 14 days in any 90-day period.

This bill would extend the period which a temporary food facility may operate to 21 days.

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(3) Existing law requires that an open-air barbecue facility be operated as, in proximity to, or in conjunction with, a food establishment.

This bill would permit the operation of an open-air barbecue facility as, in proximity to, or in conjunction, with a stationary mobile food preparation unit.

(4) The bill would also require the Department of Housing and Community Development to consult with manufacturers and owners of special purpose commercial coaches before adopting regulations relating thereto.

Ch. 643 (AB 3052) Tanner. Air pollution: indoor toxic air contaminants.

Under existing law, the State Department of Health Services and the State Air Resources Board evaluate the health effects of, and prepare recommendations concerning, substances emitted into the ambient air which may be determined to be toxic air contaminants.

This bill would, in addition, require the state board to assess potential exposure to toxic air contaminants in indoor environments and to consult with the state department on which potential contaminants may be found in the indoors environment and the best methodology for measuring exposure to them. The bill would direct the state board to refer all data on identified indoor contaminants to the state department, the Division of Occupational Safety and Health of the Department of Industrial Relations, the State Energy Resources Conservation and Development Commission, the Department of Housing and Community Development, and the Department of Consumer Affairs.

Ch. 644 (AB 3184) O'Connell. Wages, hours, and working conditions: health care industry

Existing law provides that if a labor organization or a trade association recognized in the health care industry files a petition with the Industrial Welfare Commission that requests an amendment to an order of the commission that would directly regulate only the health care industry, the commission shall propose the adoption or rejection of the petition in whole or in part without appointing a wage board, and shall publish and conduct hearings on its proposed action. Not more than 30 days after the hearings the commission is required to take final action with respect to its proposal.

This bill would prohibit the commission from adopting, amending, or repealing a proposal which has been changed from that which was originally made available to the public at the hearings unless the change is nonsubstantive in nature. If a substantive change is made to the original proposal after the close of the public hearing, the full text of the resulting change would be noticed within 5 days and made available to the public for comments for at least 10 days before the commission adopts, amends, or repeals the regulation.

Ch. 645 (AB 3566) Connelly. Prison terms: enhancements

Existing law requires the enhancement of prison terms in varying numbers of years because of prior separate prison terms, as deferred, where certain new offenses are committed.

Existing law also provides that under this enhancement provision a defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody or until release or parole, whichever first occurs. An appellate court has held that where a defendant commits a new offense while on a furlough from a community facility, the defendant had not yet been released on parole, thus the defendant had not completed a prior separate prison term and the enhancement provisions would not apply.

This bill would provide that where one of the new offenses is committed while defendant is temporarily removed from prison, or while defendant is placed in a community facility, or while defendant is on a particular furlough from a community facility, the defendant shall be subject to the statutory enhancements. However, the bill would provide that the statutory enhancement shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

Ch. 646 (SB 1533) Montoya. School athletics.

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Current law requires the State Department of Education to exercise general supervision over courses of physical education, advise local school officials and teachers in matters of physical education, and investigate the work in physical education in the elementary and secondary schools. Operative, June 30, 1987, the department is also required to exercise general control over all athletic activities in the public schools.

This bill would delete the authorization of the department to exercise general control over all athletic activities after June 30, 1987.

Current law provides that until June 30, 1987, governing boards will have the responsibility of governing interscholastic athletic programs in their school districts. In addition, current law states that until June 30, 1987, local boards may enter into associations or consortia to govern regional or statewide athletic programs. Until June 30, 1987, current law states legislative intent that the California Interscholastic Federation consult with the State Department of Education to implement specified policies. Until June 30, 1987, the State Department of Education is authorized to bring appropriate legal proceedings if it determines that the California Interscholastic Federation, a district, association, or consortium is not complying with state and federal law, and no action is being taken to achieve compliance.

This bill would extend the effective dates of these provisions to June 30, 1992.

Under current law, operative until June 30, 1987, the California Interscholastic Federation is prohibited from participating directly in any student athletic insurance program. Current law provides that the federation may not accept funds from any entity operating the student athletic insurance program, except as specified.

This bill would delete these provisions and instead prohibit the federation from transacting insurance, as defined, or making any misrepresentation in any endorsement of an insurance program. If the federation makes an endorsement, the bill would require the federation to make certain disclosures, including remuneration received for the endorsement.

Ch 647 (SB 1730) McCorquodale. State service temporary employment of PERS retirees.

Existing law authorizes temporary employment of PERS retirees in civil service positions in specified classes.

This bill would extend the application of that law to temporary employment in career executive assignment appointments held at the time of retirement.

Ch. 648 (SB 1769) Craven. Mobilehomes.

Existing law regulates the sale or transfer of mobilehomes located in a mobilehome park.

This bill would provide that when the owner of a mobilehome park enters into a written listing agreement with a real estate broker, as defined, for the sale of a park, or offers to sell the park to any party, the owner shall provide written notice that the park is for sale by first-class mail or by personal delivery to the president, secretary, and treasurer of a resident organization formed pursuant to specified provisions of existing law, not less than 10 days but no more than 30 days prior to entering into any written listing agreement for the sale of the park or making any offer to sell the park. This bill would provide that this requirement shall only be applicable if the resident organization has furnished in writing the name and address of the president, secretary, and treasurer of the resident organization to whom the notice of sale should be given, and if the resident organization has first notified the park owner or manager in writing that the park residents are interested in buying the park, as prescribed. This bill would provide that nothing in these provisions affects the validity of title to real property transferred in violation of these provisions, but would provide that the seller will be subject to civil action and penalties authorized under specified provisions of existing law.

This bill would, in addition, provide that (1) nothing in these provisions affects the ability of a licensed real estate broker, as defined, to collect a commission pursuant to an executed contract between the broker and the mobilehome park owner, and (2) these provisions do not apply to specified sales, transfers, conveyances, or purchases.

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Ch 649 (SB 1802) Presley. Waste water treatment plants.

Under existing law, supervisors and operators of municipal or private utility waste water treatment plants, as defined, are required to possess a certificate of competency issued by the State Water Resources Control Board. The state board is required to appoint an advisory committee to assist it in carrying out specified responsibilities in this connection.

This bill would make technical changes in those provisions and would revise the composition of the advisory committee.

Ch 650 (SB 1874) Royce Crimes: sales of assets.

(1) Existing law does not prohibit a criminal defendant who enters a plea of guilty or nolo contendere, or against whom a judgment of guilty is entered, for the commission of a misdemeanor or a felony from selling, conveying, assigning, or concealing property prior to sentencing, even though it may lessen or impair his or her financial ability to pay in full any fine or restitution which he or she may lawfully be ordered to pay.

This bill would make it a misdemeanor for a misdemeanor defendant to sell, convey, assign, or conceal his or her property after a plea of guilty or nolo contendere or a judgment of guilty and prior to sentencing with the intent to lessen or impair his or her financial ability to pay in full any fine or restitution which he or she may lawfully be ordered to pay or to avoid the forfeiture of assets pursuant to specified provisions of law.

This bill would also make it a felony for a felony defendant to sell, convey, assign, or conceal his or her property after a plea of guilty or nolo contendere or a judgment of guilty and prior to sentencing with the intent to lessen or impair his or her financial ability to pay in full any fine or restitution which he or she may lawfully be ordered to pay or to avoid the forfeiture of assets pursuant to specified provisions of law.

The bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 651 (SB 2030) Rosenthal. Public Utilities Commission public advisor

Existing law requires the Public Utilities Commission to establish an office of the public advisor to assist members of the public and ratepayers who desire to testify before, or present information to, the commission in any hearing or proceeding of the commission open to the public. The commission is authorized to employ staff as necessary to carry out the duties of the office.

This bill would require the commission to establish a separate office of the public advisor in the Los Angeles office of the commission and to staff the office with a minimum of 3 employees to assist in fulfilling the duties of the public advisor.

The bill would appropriate \$81,000 to the commission from the Public Utilities Commission Utilities Reimbursement Account in the General Fund for purposes of the bill.

Ch. 652 (SB 2085) Marks Community rehabilitation districts

(1) The existing Community Rehabilitation District Law of 1985 authorizes the legislative body of any city or county to establish a community rehabilitation district. Existing law requires that a specified resolution adopted by the legislative body initiating proceedings to issue senior obligation bonds be published in a newspaper as specified, but does not expressly designate who should publish that notice.

This bill would expressly require the clerk of the legislative body that adopts the resolution to publish that notice.

Existing law authorizes community rehabilitation districts to issue bonds to rehabilitate, as defined, public capital facilities, including, among other things, streets, sewer and water pipes, sidewalks, bridges, public buildings, criminal justice facilities, libraries, and parks and recreational facilities.

This bill would permit the district to pledge any source of revenues in addition to property tax revenues to pay the principal and interest on those bonds. The bill would

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impose a state-mandated local program by requiring the county auditor to allocate and make payments to the district in a different manner than is required under existing law, but would require a city to reimburse a county for any costs incurred by the county auditor in making that distribution.

The bill would make various other technical, nonsubstantive changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 653 (SB 2136) Boatwright Conflicts of interest: state administrative officials.

Existing law prohibits any public official from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision in which the official knows or has reason to know he or she has a financial interest, as defined.

This bill would prohibit any state administrative official, as defined, from making, participating in making, or using his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family, has engaged in any business transactions on terms not available to members of the public, regarding any investment or interest in real property, or the rendering of goods or services totaling in value \$1,000 or more within 12 months prior to the time the official action is to be performed.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would mandate local government to incur increased costs by requiring the enforcement of a new misdemeanor.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 654 (SB 2172) Roberti. Political Reform Act of 1974: gifts, newsletters or mass mailings.

Under the Political Reform Act of 1974, the term "gift" is defined for purposes of the act's provisions.

This bill would revise the definition of "gift" to exclude personalized plaques and trophies with an individual value of less than \$250.

Under the Political Reform Act of 1974, an elected state officer, as defined, is prohibited from sending or having sent on his or her behalf, a legislative newsletter or other mass mailing after that officer has filed a declaration of candidacy for any office.

This bill would, instead, impose a prohibition against sending a newsletter or mass mailing when an elected officer has filed nomination documents, as defined, for any local, state, or federal office.

Ch. 655 (SB 1879) Montoya Podiatry: Podiatry Examining Committee: certificates: fees.

(1) Under existing law, specified provisions relating to the licensure and regulation of podiatrists are enforced and administered by the Podiatry Examining Committee.

This bill would change the name of the Podiatry Examining Committee to the California Board of Podiatric Medicine. The bill would make conforming changes.

(2) Under existing law, a certificate to practice podiatric medicine is required to be issued if the applicant has a diplomate certificate issued by the National Board of Podiatry Examiners of the United States and if the applicant meets other specified requirements.

This bill would revise this provision to require the issuance of the certificate if the applicant has successfully completed an examination administered by the National

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Board of Podiatry Examiners of the United States rather than received a diplomate certificate from that organization.

(3) Existing law authorizes the committee to recover the costs of investigation and prosecution of a licensee who has been found guilty of unprofessional conduct by bringing an action in the superior court in the county where the administrative hearing was held.

This bill would instead provide that the action for recovery of those costs may be brought in any appropriate court.

The bill would also provide that, in general, the board shall not renew or reinstate the license of any licensee who has failed to pay those costs. The bill would provide, however, that the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.

(4) Existing law sets forth fees applicable to certificates to practice podiatric medicine, which fees are to be deposited in the Podiatry Fund. Under existing law, the initial license fee and the biennial renewal fee are set at \$525 each until June 30, 1987; effective July 1, 1987, the fees may not exceed \$450 each.

This bill would delete the \$450 maximum fee provision to become effective July 1, 1987, and by doing so would continue the existing initial license fee and the biennial renewal fee beyond June 30, 1987.

(5) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Podiatry Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 656 (SB 1895) Watson. Fair employment and housing: compliance.

Existing law permits the Department of Fair Employment and Housing to bring an action in the superior court to enjoin any person from violating any final order or decision issued under the California Fair Employment and Housing Act or from violating an agreement entered into by conference, conciliation, and persuasion.

This bill would provide that if the time for judicial review of a final order or decision of the Fair Employment and Housing Commission has lapsed, or if all means of judicial review have been exhausted, the department may apply to the superior court for enforcement of the order or decision. The bill would require the court to issue a judgment and order enforcing the order or decision of the commission if certain determinations are made, would prohibit the court from reviewing the merits of the order or decision, and would provide that the court's judgment would be nonappealable.

Ch. 657 (SB 2280) Campbell. State managerial employees.

Existing law provides state employees with sick leave and vacation benefits.

This bill would permit managerial employees, as defined, nonelective officers of the executive branch of government exempt from civil service requirements designated by the Department of Personnel Administration as eligible to receive managerial benefits, and State Traffic Sergeants in the California Highway Patrol to elect irrevocably, in lieu of sick leave and vacation benefits currently granted to these employees, to receive annual leave benefits, in accordance with a specified schedule.

Existing law entitles state employees, under specified circumstances, to receive nonindustrial disability payments, in an amount equal to one-half of full pay, but not to exceed \$125 per week, for a period not to exceed 26 weeks for any one disability benefit period. In order to qualify for these benefits, however, an individual must have exhausted all sick leave benefits to which he or she is entitled.

This bill would provide that the \$125 per week limitation would not apply to nonindustrial disability payments made to an employee who has chosen the annual leave option provided for in the bill. Furthermore, the employee would not be required to utilize any of his or her accrued sick leave or annual leave benefits prior to eligibility for nondisability payments, but if he or she did elect to use either sick leave or annual leave benefits after commencing to receive nonindustrial disability payments, the employee could not again receive these payments until the leave is exhausted.

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The bill would make other technical changes so that annual leave would be treated in the same manner as either sick leave or vacation is treated, with respect to various conditions of employment, including separations from state service, and reinstatement after vacating a civil service position to accept a position exempt from civil service requirements

Ch. 658 (AB 3370) Robinson. Bail

Existing law authorizes release of criminal defendants on bail or their own recognizance. Existing law does not, however, grant a person who is detained in custody for want of bail the right to an automatic review of the order fixing the amount of the bail.

This bill would grant a person who is detained in custody on a criminal charge prior to conviction for want of bail, the right to an automatic review of the order fixing the amount of bail by the judge or magistrate having jurisdiction of the offense, as specified.

Ch. 659 (AB 1487) Robinson. Insurance

Existing provisions of the Insurance Code, with respect to insurers, prohibit unlawful rebates, profits, and commissions.

This bill would express legislative intent regarding these subjects

Ch. 660 (SB 85) Alquist. Bank and corporation taxes: unitary businesses

(1) Existing law provides for the organization of corporations for specific purposes.

This bill would provide for the establishment of a nonprofit public benefit corporation to be known as the Small Business Bond Insurance Corporation. This bill would provide for the membership, compensation, duties, and powers of the corporation's board of directors

The corporation would have the primary goal of increasing the availability of long-term financing to small businesses in California, and the primary method of accomplishing this goal would be through insurance or guarantees of the payment of bonds issued by or for the benefit of small businesses.

This bill would establish a California Small Business Bond Insurance Corporation Operations Fund in the State Treasury for the receipt of state, federal, and private moneys for the operating expenses of the corporation and would provide, upon appropriation by the Legislature, for the manner in which the moneys in the fund are to be disbursed

This bill would establish a California Small Business Bond Insurance Reserve Fund in the State Treasury for the receipt of state, federal, and private moneys, returns on investments on these moneys, premiums charged by the corporation, and recoveries and collection on claims paid by the corporation. This bill would provide that the moneys in the fund are to be made available, upon appropriation by the Legislature, for purposes of the small business bond insurance programs conducted by the corporation.

(2) Existing law charges the California State World Trade Commission with encouraging international trade, tourism, and development

This bill would create within the commission a California Office of Trade Policy to, among other things, support vigorous enforcement of trade laws against unfair foreign trade practices in United States markets.

This bill would also create within the commission the California Office of Export Promotion to, among other things, strengthen the state's activities in marketing its agricultural, manufacturing, and service industries overseas

(3) Existing law creates various departments within the Business, Transportation and Housing Agency.

This bill would create within the agency a Development Review Panel, consisting of specified membership, to promote and assist economic development projects where additional development or expansion otherwise is not possible because of a lack of adequate funding for infrastructure. It would specify the powers and duties of this panel. It would provide that all moneys loaned to the panel that are required to be repaid shall be deposited in a specified fund.

(4) This bill would create in the State Treasury a California Unitary Fund, the moneys of which would be used exclusively for infrastructure financing and economic develop-

ment. It would create the Future Infrastructure State Targeted Account and the Local Project Account for Non-Transient Spending in the California Unitary Fund. It would require the moneys in the California Unitary Fund to remain in the fund until appropriated by the Legislature and upon appropriation would require that moneys in the Future Infrastructure State Targeted Account be made available in specified percentages for specified purposes.

(5) Under the existing Bank and Corporation Tax Law, the income of a unitary business which is subject to taxation is determined by means of an apportionment formula based on income derived from or attributable to sources both within and without the state. That formula generally includes the use of 3 factors: payroll, property, and sales.

This bill would allow a qualified taxpayer, as defined, whose income is subject to the tax imposed under the Bank and Corporation Tax Law to determine its income derived from or attributable to sources within this state pursuant to a water's-edge election, as specified. This bill would require that a water's-edge election be made by contract with the Franchise Tax Board, as specified, for an initial term of 10 years and subject to annual renewal. It would provide for the method of terminating the election by written notice of nonrenewal by the taxpayer.

This bill would require that each contract provide for annual payments to be made by the taxpayer to the Franchise Tax Board for deposit in the California Unitary Fund, which this bill would create. This bill would require that of the amount of annual payments made by qualified taxpayers for deposit in the California Unitary Fund, $\frac{1}{3}$ of that amount be deposited in the Local Project Account for Non-Transient Spending and $\frac{2}{3}$ of that amount be deposited in the Future Infrastructure State Targeted Account.

This bill would also provide for various new administrative procedures in connection with the water's-edge election and would require the Franchise Tax Board to conduct a specified study relating to certain auditing practices to be reported to the Legislature no later than March 1, 1987.

(6) Under the existing Bank and Corporation Tax Law, a taxpayer is generally entitled to deduct dividends received in computing its income subject to tax if the dividends were declared from income which has been included in the measure of taxes imposed under that law upon the taxpayer declaring the dividends. In the case of a unitary business, dividends received which are treated as nonbusiness income are entirely allocable to this state in computing the taxpayer's income if its commercial domicile is in this state, and dividends received which are treated as business income are subject to allocation and apportionment to this state under the unitary apportionment formula in computing the taxpayer's income.

This bill would permit a qualified taxpayer who elects to determine its income under a water's-edge election to deduct either 100% or 75% of specified portions of its qualifying dividends, as defined, which are received in accordance with specified formulas.

(7) Under the existing Bank and Corporation Tax Law, a taxpayer may take a deduction for debts which become wholly or partially worthless within the income year or for a reasonable addition to a reserve for bad debts. The amount of the deduction may be determined using either the specific charge-off method or the reserve method.

This bill would eliminate the availability of the reserve method of deducting bad debts for all taxpayers, other than savings and loan associations, banks, or financial corporations. It would also provide special transitional rules in connection with these changes.

Under the existing Bank and Corporation Tax Law, a dealer in real and tangible personal property who is liable as an endorser, guarantor, or indemnitor may deduct a reasonable addition to a reserve for bad debts from losses on the guaranteed debts.

This bill would eliminate the availability of the reserve method of deducting those debts for those dealers. It would also provide special transitional rules in connection with these changes.

(8) Under the existing Bank and Corporation Tax Law, gain from certain sales of property in exchange for which the seller receives deferred payments is reported on the installment method, unless the taxpayer elects otherwise.

This bill would limit the availability of the installment method of accounting in speci-

fied circumstances, including sales involving certain publicly traded property, sales pursuant to a revolving credit plan, and a portion of certain installment receivables, based on the amount of the outstanding indebtedness of the taxpayer. It would provide special transitional rules for some of these changes

(9) This bill would become operative on January 1, 1988, and its tax provisions would be applicable in the computation of taxes for income years commencing on or after January 1, 1988.

Ch. 661 (AB 1010) N. Waters. Agricultural theft prevention

(1) Existing law does not require that each lot of an agricultural commodity be identified

This bill would require persons who sell, buy, or transport lots of over 200 pounds of fruits, nuts, or vegetables for commercial purposes, with specified exceptions, to provide, obtain, or possess, as the case may be, a record showing proof of ownership of each lot. The bill would require that proof of ownership be made available for inspection upon request of the Director of Food and Agriculture, the county agricultural commissioner, or any peace officer upon probable cause to believe that the fruits, nuts, or vegetables are in unlawful possession. Any violation of these requirements would be a misdemeanor under existing provisions of law and, thus, this bill would impose a state-mandated local program by creating a new crime.

A peace officer would be authorized, upon probable cause, as specified, to stop a vehicle and request proof of ownership of the fruits, nuts, or vegetables being transported.

The bill would provide for holding the fruits, nuts, or vegetables being unlawfully transported, returning the commodity to its rightful owner, or disposing of the commodity

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 662 (AB 1260) La Follette. State Bar of California.

Existing law specifies the powers and duties of the Board of Governors of the State Bar of California.

This bill would require that any order imposing a public reproof or discipline on, or accepting the resignation under specified circumstances of, a member of the State Bar shall include a direction that the member pay for costs of the disciplinary proceeding, as defined and as specified. The bill also would provide that an attorney who is exonerated of all charges after a formal disciplinary hearing is entitled to reimbursement from the State Bar for certain expenses of preparation for the hearing.

Ch. 663 (AB 1590) McAlister. Travelers checks

Existing law, the Travelers Checks Act, requires persons engaged in the business of issuing travelers checks to be licensed by the Superintendent of Banks.

This bill would revise the Travelers Checks Act to, among other things, do all of the following:

(1) Eliminate renewal requirements with respect to licensure of persons issuing travelers checks, including the requirement of approval of application for license renewal by the superintendent.

(2) Delete, as ground for denial of licensure, provisions relating to minimum amount of currency and securities, as specified.

(3) Delete provisions providing for expiration of licensure.

(4) Require licensees to annually file with the superintendent a report containing specified information.

(5) Authorize the superintendent, under prescribed conditions, to exempt a licensee, as specified, from eligible security provisions of the Travelers Checks Act.

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Ch. 664 (AB 1882) Chacon. Dog licenses.

Under existing laws, the legislative body of a city is authorized to impose a license fee on dogs for a period not to exceed 2 years in rabies areas. Counties may also issue dog licenses which are required to be issued for a period of not to exceed 2 years. Certain dog owners are also required to buy a dog license for dogs over 4 months of age every 2 years, as provided by ordinance of the responsible city, city and county, or county.

This bill would provide additional authority for the issuance of a dog license and collection of license fees in certain circumstances for a period not to exceed 3 years, as specified.

Ch 665 (AB 1989) Hughes Education.

(1) Existing law requires the Commission for the Review of the Master Plan for Higher Education to submit a report to the Legislature and the Governor, not later than January 1, 1987, relative to its findings and recommendations regarding the master plan and the functions and interrelationships of public postsecondary education institutions

This bill would extend the date for the submission of that report to June 30, 1987.

(2) Existing law prohibits private postsecondary educational institutions from awarding academic or honorary degrees unless the institutions comply with specified standards

This bill would make technical nonsubstantive changes by repealing, adding, and renumbering these provisions

This bill would incorporate changes in Section 94310 of the Education Code, proposed by AB 4251, to be operative only if AB 4251 and this bill are both chaptered and become effective on or before January 1, 1987

This bill would declare the intent of the Legislature if this bill is enacted and repeals Section 94310 of the Education Code, and AB 4251 is chaptered before this bill and takes effect immediately as an urgency statute and amends that section

Ch. 666 (AB 2593) Robinson. Local agencies: interest rates

Existing law authorizes the County of Los Angeles and the County of Orange to enter into contracts commonly known as "interest rate swap agreements" or "forward payment conversion agreements," as specified, until January 1, 1987.

This bill would authorize the County of Alameda to enter into these contracts and would extend the January 1, 1987, termination day on this authority until January 1, 1994, and would make a conforming change.

Ch 667 (AB 2605) Robinson School districts: governing board elections.

Under existing law, member elections for school district governing boards are generally held biennially on the first Tuesday after the first Monday in November of each odd-numbered year. The elections of members of county boards of education are held at the same time or, as specified, are consolidated with the direct primary election.

This bill would authorize the governing board of any school district, or a county board of education, with the approval of the county board of supervisors, to alternatively conduct member elections on the same day in which a primary, municipal, or general election is held in the county, as specified. The election could be held not less than one month, nor more than 12 months, subsequent to the election day prescribed by existing law.

Ch. 668 (AB 2762) McAlister. Vehicle: private owner sales

(1) Existing law regulates the sale and transfer of an interest in a motor vehicle by the legal owner, the registered owner, and by licensed motor vehicle dealers.

This bill would impose a state-mandated local program by prohibiting, with exceptions, including dealers as defined, persons specifically excluded from the definition of a dealer under the Vehicle Code, and specified persons not engaged in the business of selling vehicles, any person not the registered owner, from selling or offering for sale a motor vehicle

(2) Existing law provides that a person who knowingly makes a false statement of a material fact in a document filed with the Department of Motor Vehicles is guilty of a

misdemeanor.

This bill would make it a misdemeanor for a person who is a party to a sale of a vehicle subject to (1) above and subject to sales and use taxes to report a sales price less than the actual price and make a false statement in that regard. The person would be assessed the taxes due, penalty and interest, and a mandatory penalty of \$500 or an amount equal to 100% of the tax, whichever is greater.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 669 (AB 2858) Felando. Liability: licensed marriage, family, and child counselors; licensed clinical social workers; pilots.

(1) Existing law provides immunity from civil monetary liability to members of professional societies having as members at least a majority of the eligible persons or licentiates in the geographic area served by the particular society.

This bill would include within the list of professional societies to which this immunity is applicable professional societies of licensed marriage, family, and child counselors, and professional societies of licensed clinical social workers.

(2) Existing law provides immunities from liability for certain referral services of professional societies

This bill would include within the list of professional societies to which these immunities are applicable professional societies of licensed marriage, family, and child counselors, and professional societies of licensed clinical social workers.

(3) Under existing law, pilots licensed by the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays are required to execute an official bond in the sum of \$5,000 for possible liability for violations of that law or rules and regulations adopted by the board.

This bill would provide that, when a pilot goes aboard a vessel, the pilot becomes the servant of the vessel and its owner and operator, and would specify related matters.

(4) The bill would incorporate additional changes to Section 43.95 of the Civil Code, as proposed by AB 3032, SB 1888, or both, if this bill and either or both AB 3032 and SB 1888 are chaptered and this bill is chaptered last.

Ch. 670 (AB 2888) Costa. Water right permits.

(1) Under existing law, the State Water Resources Control Board may revoke a permit to appropriate water and declare the water subject to further appropriation if it finds, after notice and a hearing if requested, that the work is not commenced, prosecuted, and completed, or the water applied to beneficial use as contemplated in the permit and in accordance with applicable provisions of law.

This bill would authorize the board to so revoke a permit either after a hearing, as specified, on a petition for extension of time to complete a project and apply water to beneficial use, or, after an investigation other than a hearing on a petition for extension of time, in accordance with prescribed notice and a hearing if requested. The bill would make related changes.

(2) Under existing law, the board may reserve jurisdiction to amend, revise, supplement, or delete terms and conditions in a permit under specified circumstances, including that a period of actual operation will be necessary in order to secure specified information.

This bill would also authorize reservation of that jurisdiction where a period of time for completion of studies will be necessary to secure the required information

(3) Under existing law, a fee equal to one-half of the amount of the application fee is required to be paid to the board at the time a permit is issued.

This bill would exempt from that permit fee applications for development of specified small hydroelectric energy facilities which are required to pay a specified application fee.

Ch 671 (AB 2914) Farr Commercial fishing, gill nets

(1) Under existing law, use of drift gill nets to take shark or swordfish is regulated under 2 permit programs, one permit program, which expires on February 1, 1988, authorizes taking swordfish only north of Point Arguello during the specified season, except in specified areas at specified times and the other permit program, which expires on January 1, 1991, permits taking shark and swordfish during the specified season except in specified areas at specified times south of Point Arguello. The northern permit program authorizes new permits to be issued by random drawing when 35 or fewer qualified applications for renewal of previous permits are received by the Department of Fish and Game. Violations of the requirements are misdemeanors.

This bill would extend the expiration date of the northern permit program to January 1, 1991, thus imposing a state-mandated local program by creating and by changing the definition of a crime. The bill would also remove the southern boundary below which the permittees of the northern permit program may not take swordfish and would conform those permit provisions to areas and times of the other permit program, except that these permittees would be prohibited from taking shark or swordfish within 75 miles of the mainline coastline in May, as specified.

The bill would also authorize a permit in the northern permit program to be issued to a person who meets qualifications specified in the bill, notwithstanding the requirements for random drawings.

The bill would also increase the fees for those permits from \$150 to \$250, which are required by existing law to be deposited in the Fish and Game Preservation Fund. Because that fund is a continuously appropriated fund, the bill would make an appropriation.

The bill would make other conforming and technical changes to the permit programs.

(2) This bill would incorporate additional changes in Section 8560 of the Fish and Game Code, proposed by AB 521, to be operative only if this bill and AB 521 are both enacted and become effective on or before January 1, 1987, and this bill is enacted last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 672 (AB 2921) Grisham Enforcement of judgment third-party claims

Existing law provides that a third person claiming ownership or the right to possession of property that has been levied upon by a writ of attachment or execution or similar writ may make a third-party claim and may give an undertaking to release the property.

Existing law provides that not later than 15 days after the third party claim is filed, either the creditor or third person may petition the court for a hearing as to the validity of the claim and disposition of property.

This bill would also permit the petition for a hearing to be made within 15 days of filing the undertaking.

Ch 673 (AB 3017) Lancaster. Credit union officials: offenses.

(1) Existing provisions of the California Credit Union Law specify requirements for credit unions and provide for regulation of credit unions by the Commissioner of Corporations. Existing law makes it a criminal offense punishable as either a misdemeanor or felony to willfully violate any provision of this law or any rule or order issued pursuant to this law, except that certain violations could be punished as misdemeanors only.

This bill would prohibit and prescribe criminal penalties for various acts or practices by directors, officers, agents, and employees of credit unions. The bill would prohibit credit unions from purchasing specified interests in real property in which a director, officer, or employee of the credit union is personally or financially interested, without first obtaining the written consent of the commissioner. The bill would make officers, directors, or employees of a credit union liable to the state in a prescribed amount (a) for purchasing or having an interest in the purchase of the credit union's assets at less than market value or (b) for purchasing or having an interest in the purchase of the

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credit union's obligations or assets at less than book value without a prior unanimous resolution of the credit union's board of directors delivered to the commissioner immediately after adoption.

By creating new criminal offenses, the bill would impose a state-mandated local program.

(2) The bill would require the Commissioner of Corporations to notify specified credit unions of the provisions of the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 674 (AB 3020) Elder. Subsurface installations.

(1) Existing law requires all owners of subsurface installations, as defined, except the Department of Transportation, to become members of a regional notification center, as defined; requires, except in an emergency, any person planning to conduct any excavations to contact the appropriate regional notification center at least 2 working days prior to commencing the excavations, if the excavations will be conducted in an area which is known, or reasonably should be known, to contain subsurface installations; permits any person planning to conduct an excavation in a private easement to contact the appropriate regional notification center under those circumstances; and requires the regional notification center to provide an inquiry identification number, as defined, to the person who contacts the center and to notify any member of the center, if known, who has a subsurface installation in the area of the proposed excavation.

This bill would require any member of a regional notification center who receives notification of any proposed excavation to locate and field mark the approximate location of any affected subsurface installations in conformance with a specified color code, to the extent it is practical to do so, to otherwise advise the person planning to excavate of that location, or to advise the person that the member does not operate any subsurface installation that would be affected by the proposed excavation. The bill would require the excavator to determine the exact location of the subsurface installation by excavating with hand tools, under specified circumstances. These requirements would impose a state-mandated local program on those local agencies which own or operate subsurface installations, but the bill would permit those local agencies to charge a fee in an amount sufficient to cover the cost of providing that service.

The bill would make any member or excavator who knowingly and willingly violates the above provisions subject to a civil penalty. Any penalties imposed would be required to be deposited in the General Fund.

(2) The bill would make other technical, nonsubstantive changes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 675 (AB 3045) Cortese Courts

Existing law provides for the appointment of phonographic reporters by superior and municipal courts and provides for the payment of fees for these services.

This bill would provide that, notwithstanding any other provision of law, whenever a daily transcript is ordered in a civil case requiring the services of more than one phonographic reporter, the party requesting the daily transcript, in addition to any other required fee, shall pay a fee per day, or portion thereof, equal to the per diem rate for pro tempore reporters established by statute, local rule, or ordinance for the services of each additional reporter for the first day and each subsequent day the additional reporters are required.

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Ch. 676 (AB 3061) Johnston Juvenile court law.

(1) Existing law provides that in any case in which a minor who is detained in or committed to a county institution established for the purpose of housing juveniles attains the age of 18 during the period of detention or confinement, he or she may be allowed to come or remain in contact with those juveniles until the age of 19.

This bill would specify that upon attaining the age of 19, upon the recommendation of the probation officer, such a person shall be transferred to the custody of the sheriff, unless the juvenile court orders continued detention in a juvenile facility, as specified, and that he or she may be allowed to come into and remain in contact with other adults.

(2) Under existing law, if, subsequent to a finding of unfitness to be dealt with under the juvenile court law, a minor is convicted in a court of criminal jurisdiction of a violation of specified crimes, the finding of unfitness is applicable to a violation of any of those specified crimes alleged to have been committed subsequent to the conviction.

This bill would provide that the finding of unfitness would also apply to selling, furnishing, administering, or providing certain drugs to a minor, and would apply, as specified. Because this would result in additional use of and costs to the criminal courts, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 677 (AB 3067) Seastrand. Marketing orders.

(1) Existing law provides for the filing of specified information with the Director of Food and Agriculture regarding the marketing season next preceding the filing of the report by commodity handlers under a marketing order.

This bill would authorize the filing of information respecting the current marketing season under specified circumstances.

(2) Under existing law, at a public hearing which is held to consider a proposed marketing order or major amendment to a marketing order which directly affects producers or producer marketing, the director is required to receive evidence from which the director can determine whether the assent, approval, or favor of the producers shall be determined by written assents or through a referendum. Proposed marketing orders or major amendments thereto that affect handlers or processors may only be approved through written assent, there is no procedure for referendum.

This bill would expand this requirement to include proposed marketing orders or major amendments thereto that affect handlers or processors as well as producers. The bill would also permit approval of proposed marketing orders or major amendments thereto that affect handlers or processors by referendum. The bill would make other related changes.

Ch. 678 (AB 3178) La Follette. Schoolbuses.

(1) Existing law requires a \$10 fee for registration and licensing to be paid to the Department of Motor Vehicles for specified privately owned schoolbuses used exclusively to transport school pupils, in lieu of all other fees required by the Vehicle Code, with certain fees excepted.

This bill would specify that those fee provisions would not apply to a schoolbus used to transport persons who are developmentally disabled, as defined, to vocational, pre-vocational, or work training centers, as specified.

(2) Existing law requires every schoolbus when operated for the transportation of school children to be equipped with a flashing red light signal system.

This bill would authorize any schoolbus which is used to transport persons of any age who are developmentally disabled, as defined, to be equipped with, but would prohibit the operation of, a flashing red light signal system when transporting those persons, as

specified.

(3) Existing law requires every schoolbus, when operated for the transportation of school pupils, to bear upon the front and rear windows a plainly visible sign containing the word "schoolbus," as specified, and prohibits any other vehicle from displaying that sign.

This bill would require every schoolbus, while being used for the transportation of school pupils at or below the 12th-grade level, to bear that sign, as specified. The bill would authorize a schoolbus which is also used to transport persons of any age who are developmentally disabled, as defined, to display that sign when transporting those persons to or from vocational, prevocational, or work training centers, as specified

Ch 679 (AB 3215) Robinson Counties and cities contracts for jail facilities.

Existing law authorizes a county board of supervisors, in cases of emergency, to replace or repair county structures by day labor or by contract, or a combination of both, without adopting plans, specifications, strain sheets or working details, and without letting contracts by competitive bidding.

This bill would, in addition, authorize the county board of supervisors of counties of the 1st, 2nd, or 3rd class (Los Angeles, Orange, and San Diego), which is under court order to relieve overcrowding, or upon certification by the sheriff that the inmate capacity of the county jail system is exceeded by more than 20%, that the overpopulation is likely to continue, and that it poses a threat to public safety, health, and welfare, to contract, upon terms determined by the board, for the construction or expansion of jail facilities without the formality of obtaining bids, adopting plans and specifications, or complying with other requirements, as specified. The bill would also provide that construction or expansion of jail facilities shall not commence in a county of the 3rd class without the affirmative vote of a majority of the city council of the incorporated city within which the construction or expansion is proposed. The bill would require the person to whom the contract is awarded to execute a performance bond, require that the contract be awarded only to a licensed contractor who has responded to the request for proposals, and would require that the awarding of the contract and changes in the contract comply with specified provisions of law. The bill would require the board to evaluate at least 3 proposals under a competitive process established by the board before entering into the contract and to state the reasons why the lowest bidder was not selected if that is the case.

The bill would make legislative findings with regard to the need for a special law regarding counties of the 1st, 2nd, and 3rd class.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 680 (AB 3219) Robinson Industrial loan companies loan portfolio requirements

(1) Existing law requires consumer loans and obligations made or acquired by an industrial loan company, and which have a term in excess of 3 years, to be secured solely by real property or solely by personal property.

This bill would alternatively require these loans and obligations to be secured by both real and personal property if the original principal amount is \$20,000 or more.

(2) Existing law limits the total amount of loans and obligations secured wholly or primarily by real property, and with a term of 3 years or longer, that may be made, acquired, or discounted by industrial loan companies to 35% of the industrial loan company's total outstanding obligations.

This bill would revise this ratio to limit these loans and obligations to 50% of an industrial loan company's assets, as defined.

(3) Existing law limits to 10 years the maximum term of any loan or obligation which is secured primarily by real property and which is made or purchased by an industrial loan company.

This bill would increase this maximum term to 15 years.

(4) Under existing law, industrial loan companies are expressly authorized to make loans or acquire obligations secured by real or personal property that are repayable in unequal installments, other than certain consumer loans or obligations and specified

home loans and residential real property loans.

This bill would limit the maximum term of these loans to 10 years. The bill would also generally prohibit industrial loan companies from making loans or obligations secured solely or primarily by real property that are repayable in unequal monthly installments over a period of more than 10 years or less. The bill would provide that, in the event this 10-year limitation is held invalid by the courts under federal law, the aggregate of all these loans and obligations repayable in unequal monthly installments with a term of more than 10 years shall not exceed 1% of an industrial loan company's assets.

Ch. 681 (AB 3229) Bronzan. Sex crimes. video taping victim testimony

Existing law authorizes the video taping of the testimony at a preliminary hearing of a victim of specified sex crimes who is 15 years of age or less, which may be introduced in evidence at trial if the court finds that further testimony would cause the victim emotional trauma so that the victim is medically unavailable or otherwise unavailable within specified provisions of the Evidence Code.

This bill would extend this provision to victims who are over 15 years of age, but are developmentally disabled as a result of mental retardation, as defined.

Ch. 682 (AB 3278) O'Connell. Sea urchin. permits.

(1) Under existing law, sea urchins may be taken with specified equipment under a revocable, nontransferable permit issued by the Department of Fish and Game, subject to regulations adopted by the Fish and Game Commission.

This bill would authorize the commission to limit the number of permits whenever necessary to prevent overutilization or to ensure efficient and economic operation of the fishery. The number of permits could be limited either on a statewide basis or within selected geographical areas, as the commission determines to be appropriate to protect the resource.

Ch. 683 (AB 3292) Wright. Income tax withholding.

Existing law requires every employer who is required to remit the total amount of federal income tax withheld within 3 banking days following the close of each 8th-monthly period to also remit the total amount of income tax withheld for state income tax purposes for each 8th-monthly period within 3 banking days following the close of each 8th-monthly period.

This bill would require the employer to remit the total amount of income tax withheld for state income tax purposes for each 8th-monthly period only if the income tax withheld for that period is more than \$75.

Ch. 684 (AB 3312) Tanner. Cities, counties: film permits.

Existing law provides a uniform permit procedure, administered by the California Film Office, which authorizes the making of a commercial motion picture when state-owned property or state employee services are used. Existing law prescribes that it is the intent of the Legislature to encourage local governments to develop uniform procedures for issuing permits and charging fees relating to motion picture production. Existing law also establishes the Southern California Public-Private Film Commission for the purposes of creating a regional permit pilot project and to act as a liaison between the motion picture industry and local government.

This bill would establish and provide specifications for the application form which will be known as the uniform film permit application form for purposes of engaging in film production within the jurisdiction of a county, city, or city and county. It would define the terms "film" and "production" for the purposes of its provisions. This bill would require the California Film Office to encourage a county, city, or city and county to use this form if it requires a film permit, as specified.

This bill would further provide that upon county or city approval of the completed uniform application form, the form will constitute the permit itself.

This bill would make certain legislative findings and declarations.

Ch. 685 (AB 3314) Leonard. Local agencies. fees or charges.

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(1) Existing law authorizes local agencies to impose fees and charges for various purposes.

This bill would impose a state-mandated local program by generally prohibiting any local agency, as defined, that imposes fees or charges for the construction of public improvements or facilities on a residential development from requiring the payment of the fee or charge until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs later, unless the fees or charges are for a residential development which contains more than one dwelling unit. If the residential development contains more than one dwelling unit, the bill would permit the local agency to elect to require payment of the fees or charges in one of 3 prescribed ways

However, if the local agency determines that fees or charges on any residential development will be collected for public improvements or facilities for which an account has been established and funds appropriated, and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of a certificate of occupancy or the fees or charges are to reimburse the local agency for expenditures previously made, the bill would permit the local agency to require the payment of the fees or charges at an earlier time.

The bill would require the Legislative Analyst to prepare a report for submission to the Legislature evaluating the implementation of the bill

The provisions of the bill would remain in effect until January 1, 1993.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would state that it does not mandate a new program or higher level of service on local government. It would also provide that a local agency or school district may pursue any remedies to obtain reimbursement under the above-described statutory procedures

Ch. 686 (AB 3345) McAlister Family law.

Existing law provides that in a proceeding of the legal separation or dissolution of marriage, except upon the written agreement of the parties, or an oral stipulation of the parties in open court, the court shall divide the community property and quasi-community property of the parties equally, except as specified

This bill would require a court, in making a division of the community property interest in a retirement plan, to make whatever orders are necessary or appropriate to assure that each party receives his or her full community property share of any retirement plan including, but not limited to, ordering the division of any retirement benefits upon or after the death of either party or ordering a party to elect a survivor benefit annuity for the benefit of the other party, as specified.

Ch 687 (AB 3346) Ferguson. Vehicles fleet registration.

(1) Under existing law, the registered owner or lessee of a fleet consisting of at least 500 vehicles may, upon payment of appropriate fees, apply to the Department of Motor Vehicles for registration in accordance with special procedures. Under existing law, the department is also required to implement a pilot program for the permanent fleet registration of commercial trailers proportionately registered and base plated in this state, commencing with the 1984 registration year through December 31, 1986

This bill would delete the provisions providing for the pilot program. The bill would include, within the general fleet registration provisions, proportionately registered commercial trailers which are base plated in this state and would make related changes

The bill would also authorize the department to provide for permanent fleet registration through an association providing a combination of fleets of vehicles of more than 1,000 vehicles with no individual fleet of fewer than 100 vehicles, and would prescribe requirements for that registration.

(2) Under existing law, in addition to other fees due for registration of fleet vehicles, the department may collect a service fee of \$1 for each vehicle upon the initial applica-

tion for registration and upon renewal of registration of each fleet vehicle.

This bill would authorize the department to collect a service fee of \$2 for each proportionately registered commercial vehicle upon initial application for, and upon renewal of, registration

Ch 688 (AB 3398) Cortese Formation of local agencies: development projects.

(1) The existing Cortese-Knox Local Government Reorganization Act of 1985 requires a local agency formation commission (LAFCO) to approve, or conditionally approve, a proposal adopted by a majority of the members of each of the legislative bodies of 2 or more districts for consolidation of the districts or the reorganization of the districts into a single district

This bill would require the LAFCO to approve, or conditionally approve, a proposal adopted instead by a majority of the members of each of the legislative bodies of 2 or more cities or districts for consolidation of the districts or the reorganization of the districts into a single city or district.

This bill would also make *conforming changes in other pertinent provisions of law.*

(2) Existing law establishes procedures for the coordination of review and approval by public agencies of development projects, as defined.

This bill would make technical corrections as to what is excluded from the term development necessitated by the enactment of the Cortese-Knox Local Government Reorganization Act of 1985.

Ch 689 (AB 3413) Moore Partition: preliminary referee

Existing law regarding actions for the partition of real property authorize the court to appoint referees to divide or sell the property as ordered by the court

This bill would additionally require the court, upon motion made by any party and after 60 days have elapsed following service of the complaint on all defendants or 30 days have elapsed since all the defendants have filed answers, to appoint a referee to make preliminary factual determinations and recommendations. The bill would require appointment of this referee within 30 days of the filing of the motion and would require submission of the referee's report within 60 days following appointment

The provisions added by this bill would be repealed January 1, 1989, without further action of the Legislature

Ch. 690 (AB 3429) Kelley. Riverside County flood control

(1) Under existing law, the Riverside County Flood Control and Water Conservation District is authorized to levy assessments upon property in the district to pay the costs and expenses of the district.

This bill would permit benefits to be determined for this purpose on the basis of the proportionate storm water runoff from each parcel. The bill would make specified rights-of-way and undeveloped parcels subject to that assessment only to the extent that it is found that they will benefit from the service, as prescribed

(2) Under existing law, the district is authorized to issue negotiable promissory notes for specified purposes and subject to specified terms and conditions

This bill would increase the maximum permitted maturity other than for specified capital expenditures and amount of the notes which may be so issued, and would specify the maximum interest rate the notes may bear

(3) Existing provisions of law enacted in 1984 revise the boundaries of Zone 6 of the district, subject to specified conditions.

This bill would revise those conditions and would specify related matters

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 691 (AB 3458) Hauser Indian fishing and hunting rights. agreements and compacts.

Under existing law, the Department of Fish and Game and the Fish and Game Commission have no power to regulate Indian fishing or hunting rights on federal reservations

This bill would authorize the department, with the approval of the commission, to

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enter into a mutual agreement or compact with the Covelo Indian Community relating to Indian fishing practices, as specified.

Ch. 692 (AB 3594) Molina. Genetic disease: testing and counseling.

Under existing law, a genetic disease unit is established in the State Department of Health Services to, among other things, promote a statewide program of testing, information, and counseling services, and to designate tests and regulations to be used in executing the program. Existing law provides that the tests be administered, as specified, to each child born in California at such time as the department has established appropriate regulations and testing methods. Existing law provides that the department may provide laboratory testing facilities or contract with any laboratory, as specified, to conduct the tests. Under existing law, the department is required to establish and charge a fee for the tests and is required to inform all hospitals or physicians of required regulations and tests, as specified, and may alter or withdraw any requirements, as specified. Existing law authorizes the genetic disease unit to make grants or contracts for demonstration projects, including those to initiate the development of genetic services in areas of need or to purchase or provide the services from any sums appropriated for this purpose.

This bill would permit health care providers which contract with a prepaid group practice health care service plan, as specified, to provide, without contracting with the department, any or all of the testing and counseling services required by the provisions of existing law described above, if certain specified conditions are met, including that the health care service plan pays that portion of any fee established by the department which is attributable to the department's cost of administering the testing or counseling service and to any required testing or counseling services provided by the state for plan members. This bill would provide that the plan's payment shall be deemed to fulfill any obligation the provider or provider's patient may have to the department to pay a fee in connection with the testing or counseling service.

Ch. 693 (AB 3625) Katz. Vehicles: fees and penalties

Under existing law, penalties collected by the Department of Motor Vehicles for the late registration of a vehicle are allocated to the Motor Vehicle License Fee Account in the Transportation Tax Fund and the Motor Vehicle Account in the State Transportation Fund on the basis of the fees imposed for the registration of the vehicle.

This bill would require any fee paid to the department which is not allocated within one year of the date of collection to be allocated to those accounts and the State Highway Account in the State Transportation Fund in proportion to the revenue allocated to those accounts by the department in the previous fiscal year.

Ch. 694 (AB 3669) Seastrand. Hazardous waste incineration: facility.

Under existing law, the State Department of Health Services is authorized to conduct pilot projects to document the technical performance of hazardous waste management technologies. Existing law requires certain hazardous wastes which have a specified heat value or contain volatile organic compounds and which are disposed of after January 1, 1988, or January 1, 1990, respectively, to be disposed of by incineration or be treated, as specified.

This bill would authorize the department to plan and construct a model incineration facility for the disposal of hazardous waste, on or after January 1, 1988, if the department makes specified determinations concerning disposal capacity and the Legislature appropriates or makes sufficient funds available to plan and construct the facility. The bill would specify conditions for the operation of the facility.

Ch. 695 (AB 3676) Sher. Due care

Under existing law, the failure of a person to exercise due care is presumed if the person violated a statute, ordinance, or regulation of a public entity, and certain other circumstances exist.

Existing law also provides that a local rule, regulation, or guideline setting forth standards of conduct for peace officers in the use of deadly force shall not be considered

a statute, ordinance, or regulation of a public entity for those purposes. Under existing law, the latter provision will remain in effect until January 1, 1987, when it will be repealed.

This bill would delay the repeal of the latter provision until January 1, 1989.

Ch. 696 (AB 3693) Seastrand State park system.

The California Park and Recreational Facilities Act of 1984 authorizes state general obligation bonds for, among other things, the acquisition of real property as an addition to an existing unit of the state park system and the development of real property, including coastal resources, for the state park system. Montana De Oro State Park is a unit of the state park system.

This bill would require the State Coastal Conservancy and the Department of Parks and Recreation to prepare a feasibility report of specified contents on the acquisition of the Fields Ranch property adjacent to the southern portion of Montana De Oro State Park in the County of San Luis Obispo and to submit the report, as specified, on or before March 15, 1987.

Ch. 697 (AB 3728) Herger Economic poisons crops public nuisance

Existing law authorizes the Director of Food and Agriculture, if she or he finds evidence that a crop, commodity, or site has been treated with an economic poison not registered for use on the crop, commodity, or site and the treatment has resulted in or could reasonably result in the creation of a hazard to human health or result in an unfair business advantage, to declare the crop or commodity to be a public nuisance and to seize and hold it to prevent harvest and sale.

This bill would specify that the director shall make a finding that a crop, commodity, or site has been treated with an economic poison not registered for that type of use and that she or he must make a further finding that the treatment has resulted in or could reasonably result in the creation of a hazard to human health or result in an unfair business advantage in order to take the actions specified above.

Ch. 698 (AB 3852) Seastrand Securities

Under existing law, any person who represents that he or she is an investment adviser, counselor, or consultant, or makes substantially similar representations is liable based upon an expert standard of care.

This bill would extend those provisions to financial advisers, counselors, or consultants, or persons who make substantially similar representations.

Under existing law relating to securities, shares or memberships in an owners' association are not considered securities.

This bill would include interests in certain subdivisions within the definition of owners' association.

Existing law exempts offers and sales of shares in a corporation with no more than 35 shareholders from issuer qualification requirements if certain criteria are met, including a notice to the Commissioner of Corporations.

This bill would provide that the failure to file the notice does not affect the exemption if, within 15 days after demand, the notice is filed and a fee paid.

Existing law requires investment advisers to have a certificate from the Commissioner of Corporations.

This bill would prohibit investment advisers and associated persons from engaging in activities in contradiction of specified rules of the commissioner.

Existing law authorizes the Commissioner of Corporations to bring an action to enforce compliance with the Franchise Investment Law.

This bill would authorize that action to include a claim for ancillary relief.

Existing law prohibits the disclosure of financial information to law enforcement officials unless certain procedures are complied with. That law sets forth various exemptions, including an exemption for certain officials with respect to the existence and any identifying number for an account.

This bill would provide that that exemption is also applicable to the Department of Corporations.

Ch. 699 (AB 3863) Peace. Vehicles: passing stopped schoolbuses.

Existing law requires the driver of any vehicle, upon meeting or overtaking from either direction a schoolbus which has stopped to receive or discharge schoolchildren, and which displays flashing red lights, to stop and not proceed past the schoolbus until the flashing red lights cease operation. Violation of this provision is an infraction with specified penalties.

This bill would increase those penalties and also would provide, in the case of 3 or more violations within 2 years, for suspension of the driving privilege for those violations.

Ch. 700 (AB 3913) Bradley. Incorporation: provision of services by county.

Under existing law, whenever a city has been incorporated from territory formerly unincorporated, the board of supervisors is required to continue to furnish to the area incorporated, without additional charge, all services furnished to the area prior to the incorporation. Existing law provides that these services be furnished by the county for the remainder of the fiscal year during which the incorporation became effective or until the city council requests discontinuance of the service, whichever occurs first.

This bill would, in the case of an incorporation for which a petition or resolution of incorporation is filed with the local agency formation commission on or after January 1, 1987, permit the board of supervisors to request, as specified, the city to reimburse the county for the net cost of services, as defined, furnished pursuant to the provisions described above, within 5 years from the effective date of the incorporation or a longer period, as specified. The commission would impose this requirement as a term and condition of the incorporation.

Ch. 701 (AB 3927) Condit. Alcoholic beverages.

Existing law authorizes the issuance of an on-sale special beer and wine license for hospitals, convalescent homes, and rest homes.

This bill would provide that a rest home includes an apartment building, whether licensed or unlicensed, which rents exclusively to persons age 62 and older, and provides 1 to 3 meals daily to tenants.

Ch. 702 (AB 4020) Eaves. Open end credit.

(1) Under existing law, personal property brokers and consumer finance lenders may make open end credit available pursuant to an open end credit plan meeting prescribed criteria. Under existing law, certain of the limitations on open end loans are not applicable if the principal amount of the loan is at least \$5,000 or \$10,000, as specified, and if the exemption is not used to evade the Personal Property Brokers Law or Consumer Finance Lenders Law, respectively.

This bill would repeal and reenact these provisions in revised form. The bill would delete provisions disallowing the exemptions for loans of at least \$5,000 or \$10,000, where the exemption is used to evade the Personal Property Brokers Law or Consumer Finance Lenders Law, respectively. The bill would also revise the criteria for determining whether an open end loan is for at least \$5,000 or \$10,000. The bill would provide that references to the former law in open end loan agreements made on or before December 31, 1987, shall be deemed to refer to the provisions added by the bill.

(2) Existing provisions of the Commercial Finance Lenders Law define "open end credit program." This bill would repeal and reenact this definition without substantive change.

The bill would provide that references in the former law to open end loan agreements made on or before December 31, 1987, shall be deemed to refer to these provisions added by the bill.

Ch. 703 (AB 4074) Allen. Special education.

Existing law requires the Superintendent of Public Instruction to approve the transfer of a special education program already in operation to the county superintendent of schools, or to other school districts, or from the county superintendent of schools to school districts, if the transfer would result in an entitlement to increased state aid. Existing law provides for the computation of the support services amounts and instruc-

tional personnel service units amounts for the transferring agencies and county superintendent of schools if the transfer is approved

This bill would authorize the transfer of educational programs for severely handicapped pupils, or any part of those programs, already in operation if the transfer would not result in an entitlement of increased state aid. The bill would also provide that if the support service ratio for severely handicapped classes of the transferring school district or county office of education is higher than that of the receiving district or county office, this higher ratio for the transferring district or county office of education shall be transferred to the receiving district or county office. The bill would require the Superintendent of Public Instruction to calculate a lower support service ratio for the receiving district or county office if the transferred support service ratio would result in an entitlement of increased state aid.

Ch. 704 (AB 4086) Filante. Tuberculosis testing

Existing law requires that no person may be employed by a school district, private or parochial, elementary or secondary school, or any nursery school in a certificated or classified position unless he or she submits to an examination to determine that he or she is free of active tuberculosis. The examination consists of an X-ray of the lungs or a skin test which, if positive, is followed by an X-ray of the lungs. All employees are required to undergo the examination at least once every 4 years.

This bill would, instead, specify that the examination consists of a skin test which, if positive, shall be followed by an X-ray of the lungs and would require only employees who are skin test negative to have the examination once every 4 years as long as they remain skin test negative.

Existing law also requires this examination every 4 years for persons employed in connection with a park, playground, recreational center, or beach used for recreational purposes by a city or county in a position requiring contact with children or as a food concessionaire or other licensed concessionaire.

This bill would also provide that the examination consists of a skin test which, if positive, shall be followed by an X-ray of the lungs. Instead of requiring the examination every 4 years for all employees, the bill would require only those employees who are skin test negative to have the examination every 4 years, as long as they remain skin test negative.

The bill would provide, with respect to all of the above employees who have a documented positive skin test and are no longer required to have the examination, that a referral shall be made within 30 days of the examination to the local health care officer to determine the need for followup care.

Existing law permits the governing board of a school district to establish a rule requiring a more extensive physical examination than required by law.

The bill would provide that the governing board of a school district may also require more frequent examinations. The bill would further provide that the governing authority of a private, parochial, or nursery school, or the governing body of any city or county, upon recommendation of the local health officer, may require more extensive or more frequent examinations.

Ch. 705 (AB 4317) Stirling. Contractors: swimming pool construction.

Existing law requires that a swimming pool contract contain specified provisions to be enforceable by the contractor.

This bill would limit the number of the provisions that are required for an enforceable contract and would change the necessary level of compliance from a standard of compliance to a standard of substantial compliance.

Ch. 706 (AB 4382) Tanner. Transportation. disabled person identification card: reduced transit rates.

(1) Under existing law, the Department of Motor Vehicles is authorized to issue identification cards to senior citizens upon proper application therefor. The department is also required to issue to qualified disabled persons and disabled veterans parking placards for which the department issues identification cards noting the disabled status.

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of those persons. Under existing law, transit operators which offer reduced fares to senior citizens are required to honor the senior citizen identification card issued by the department.

This bill would impose a state-mandated local program by requiring a transit operator, whether publicly or privately funded in whole or in part, profit or nonprofit, which offers reduced fares to senior citizens, to also offer those reduced fares at the same rate to disabled persons and disabled veterans who have been issued identification cards by the department identifying them as disabled. This requirement would also apply to dial-a-ride, paratransit, or other nonfixed route operators, as specified, which serve the disabled.

The bill would prohibit any transit operator, as defined, who receives funds under the Mills-Alquist-Deddeh Act, from requiring that a person requesting transportation who has one of those identification cards issued by the department be a resident of that transit operator's service area.

(2) Under Mills-Alquist-Deddeh Act, prior to approving a claim filed by a claimant for community transit services, including services for the disabled, the transportation planning agency is required to make specified findings.

This bill would include an additional finding that the claimant is in compliance with the requirement specified in (1) above.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The bill would become operative on July 1, 1987.

Ch 707 (AB 3782) Cortese Family law.

Existing law provides that in any proceeding involving child support or spousal support no party to the proceeding may refuse to submit copies of his or her state income tax returns to the court. It also specifies that such a tax return is discoverable by the other party and that a party may be examined by the other party as to the contents of the return. The court is authorized to seal and maintain the tax return as a confidential record of the court, as specified.

This bill would also prohibit a refusal to submit federal tax returns.

Ch 708 (SB 1626) Ellis. Bad checks: punitive damages.

Existing law creates a cause of action for treble damages but in no case less than \$100 or more than \$500 for failure to pay, in cash, upon a check which was dishonored for lack of funds or credit to pay, or because the maker has no account with the drawee, where the maker fails to pay the same amount in cash within 30 days of written demand therefor mailed to the maker by certified mail.

This bill would require the written demand to inform the maker of this provision, and would extend this provision to checks which are dishonored because the maker stopped payment unless it was done in order to resolve a good faith dispute with the payee. The payee would be required to show that there was a reasonable effort on the part of the payee to reconcile and resolve the dispute prior to court action and to prove by clear and convincing evidence that there was no good faith dispute, as defined, in order to recover damages. The bill would also require the written demand to the maker to be in a specified form in the case of a stop payment and, in all cases, would require the introduction in evidence of a copy of the demand and a signed certified mail receipt showing delivery of the demand to the maker's address.

Ch. 709 (SB 1901) Bergeson. Public utility districts: contracts and ordinances.

(1) Under existing law, a public utility district is required to let all contracts for new construction over \$5,000, and for alterations, maintenance, or repair over \$3,000, to the lowest responsible bidder pursuant to specified requirements.

This bill would increase these amounts to \$10,000.

(2) Existing law requires the board of directors of a public utility district to authorize,

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by ordinance, all expenditures and contracts exceeding \$100,000.

This bill would delete this requirement.

Ch. 710 (SB 1936) Ellis. Jury

Under existing law, it is the duty of the jury, during the trial and after the case is submitted to them, not to converse with, or be addressed by, any other person on any subject of the trial. Existing statutes do not address the subject of discussing the subject of the trial after the jury is discharged from the case.

This bill would, prior to the discharge of a jury from the case, require the judge in a criminal action to inform the jurors that they have an absolute right to discuss or not to discuss the deliberation with anyone and to inform them as to other matters. The bill would also, following the discharge of the jury, authorize specified persons to discuss the jury deliberation or verdict with a member of the jury provided that the juror consents to the discussion and that the discussion takes place at a reasonable time and place. The bill would also provide that any unreasonable contact with a juror, by specified persons, without the juror's consent, shall be reported to the trial judge. The bill would provide that any violation of these provisions shall be considered a violation of a lawful court order subject to reasonable money sanctions, as specified. The bill states that nothing under the bill shall prohibit a peace officer from investigating an allegation of criminal conduct.

Ch. 711 (SB 2385) Doolittle. Probate notices

Existing law requires the publication of probate notices in a newspaper of general circulation published in the city where the decedent resided or where his or her property is located, if one exists. If there is no such newspaper, notice is required to be published in a newspaper of general circulation published in the county and circulated in the community where the decedent resided or the property is located, if one exists; and if not, notice is required to be posted at the 3 most public places in the community.

This bill would provide for notice to be published in a newspaper of general circulation published in the State of California nearest to the county seat of the county in which the decedent resided or the property is located, and which is circulated within the community in which the decedent resided or the property is located, as the last alternative prior to posting.

Ch. 712 (SB 1981) Presley. California Uniform Retail Food Facilities Law.

The existing California Uniform Retail Food Facilities Law regulates sanitary standards in retail food establishments in detail. This bill would amend that law in the following manner:

(1) Revise several definitions, including expanding such definitions as "food facility," which would increase the scope of coverage of the law. Since local health agencies are partially responsible for enforcement of the law's provisions, this constitutes a state-mandated local program.

It would also delete "grocery store," as defined, from the definition of "food establishment" and add a new food establishment classification, stationary mobile food preparation unit. It would require these units to be certified, as specified.

(2) Make changes in the requirements for cleaning utensils and other equipment, as well as specified areas of food facilities and make changes in requirements regarding certain toilet facilities and in the requirements for the display of unpackaged food.

(3) Provide for the regulation of open-air barbecue facilities and restricted food service transient occupancy establishments.

(4) Make technical and related changes.

Since existing laws make violation of any of the above provisions a misdemeanor, the bill also has the effect of creating new misdemeanors, which has the effect of creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other

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procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but, except for the mandate caused by the creation of new misdemeanors, would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 713 (SB 2032) Beverly Assault and battery.

Under existing law, an assault is punishable by a fine of not more than \$1,000 or by imprisonment in a county jail not exceeding 6 months, or both, and a battery is punishable by a fine of not more than \$2,000 or by imprisonment in a county jail not exceeding 6 months, or both. Existing law also provides for an enhanced penalty for an assault against various persons including peace officers, firefighters, emergency medical technicians, mobile intensive care paramedics, or lifeguards (\$2,000 fine, or imprisonment in a county jail not exceeding one year, or both), and for battery against various persons including peace officers, custodial officers, firefighters, emergency medical technicians, mobile intensive care paramedics, or lifeguards (\$2,000 fine, or imprisonment in the county jail not exceeding one year, or both), or, if an injury is inflicted on the victim (\$2,000 fine, or imprisonment in the state prison for 16 months, or 2 or 3 years).

This bill would include traffic officers, and animal control officers, as defined, among the category of persons for which an assault or battery would require an enhanced penalty described above, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 714 (SB 2397) Seymour Child day care

Existing law expressly provides that recreation programs conducted by specified organizations for children as determined by regulation of the State Department of Social Services are not within the application of laws relating to child day care facilities. Violations of these laws are misdemeanors.

This bill would provide that child day care programs conducted by these organizations and the fees charged are subject to these laws. This bill would impose a state-mandated local program by enlarging the category of persons who could commit crimes relating to child day care facilities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 715 (AB 2782) D. Brown. Sales and use taxes: exemptions: trailers and semi-trailers

Existing law requires the Department of Motor Vehicles, upon the payment of a specified fee to the department, to issue to a manufacturer or dealer a one-trip permit authorizing a new trailer or semitrailer not previously registered in any state or a used trailer or semitrailer not currently registered in this state to be moved or operated laden within, entering, or leaving this state for not more than 5 days as part of a continuous trip from the place of manufacture or the place of dispatch, or entering into this state to a place where the vehicle will be offered for sale.

Existing Sales and Use Tax Law imposes a state sales or use tax on the sale, use, storage, or other consumption of tangible personal property in this state, unless that sale, use, storage, or other consumption is exempted from the tax.

This bill would exempt from the use tax the use, storage, or other consumption in this state of new or used trailers or semitrailers in connection with the moving or operation laden of those trailers or semitrailers in accordance with the issuance of a one-trip permit.

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by the Department of Motor Vehicles.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

The bill would declare that it would take effect immediately as a tax levy.

Ch 716 (SB 2075) Foran California Debt Advisory Commission

Existing provisions relating to the California Debt Advisory Commission require the issuer of any proposed new debt issue of state or local government to give prior written notice of the proposed sale to the commission within specified time periods.

This bill would provide that this requirement shall also apply to any nonprofit public benefit corporation incorporated for the purpose of acquiring student loans.

Existing law authorizes the commission to charge fees, as specified, (1) for services to local government units in relation to the sale of a new debt issue, and (2) to the lead underwriter or purchaser of a debt issue for other services to state entities by the commission.

Existing law deletes the statutory authorization for the commission effective January 1, 1987, unless a later enacted statute chaptered before that date deletes or extends that date.

This bill would repeal this provision, thus extending the commission indefinitely. It would impose state-mandated costs by extending the powers of the commission to charge fees for services to local government units, in addition to other fees authorized by law, and by continuing existing reporting requirements of local government units.

This bill would make other technical changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 717 (SB 2179) Royce State Teachers' Retirement System.

The existing State Teachers' Retirement Law (STRL) provides that a marriage, divorce, or annulment revokes any previous beneficiary designation and, in such cases, payments must be distributed in order to specified surviving relatives.

This bill would provide, instead, for revocation only by a subsequent change of the designated beneficiary.

The existing STRL requires that if the estate is the beneficiary and the estate would otherwise not have to be probated, the payment of all of the amount due from the system shall be distributed to specified categories of surviving relatives.

This bill would repeal that provision and would make other related and technical changes.

The existing STRL requires employers and members to each pay a contribution at a rate of 8% of the members' compensation, and provisions enacted in 1985 provide for employer pickup of the teachers' contributions for the purpose of deferring income taxes thereon.

This bill would make related technical changes in related provisions of the STRL.

This bill would also provide for 2.0 limited-term Office Assistant I positions for the State Teachers' Retirement System for the period from January 1, 1987, through December 31, 1987.

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The bill would appropriate \$54,000 from the Teachers' Retirement Fund to the State Teachers' Retirement System for the period of January 1, 1987, through June 30, 1987, for specified costs in connection with these positions.

Ch. 718 (SB 2178) Royce. Health care service plans.

(1) Under existing law, known as the Knox-Keene Health Care Service Plan Act of 1975, the Commissioner of Corporations licenses and regulates health care service plans and specialized health care service plans, as defined. Existing law provides that a willful violation of this act or any rule or order thereunder is a crime.

Existing law provides that a plan which has been licensed under the act during the preceding 18 months may publish or distribute, as specified, an advertisement, as specified, or any group disclosure form or evidence of coverage, or may enter into a new or modified group contract, without prior approval of the commissioner.

This bill would clarify those provisions to make them applicable to a plan which has been continuously licensed under the act for the preceding 18 months.

(2) Existing law requires the commissioner to conduct an examination of the fiscal and administrative affairs of any plan and requires that the expense of conducting these examinations and certain surveys be charged against the plan.

This bill would require that reports of all surveys, deficiencies, and correction plans be open to public inspection, except that no surveys, deficiencies, or correction plans would be required to be made public unless the plan has an opportunity to review these plans and file a statement of response within 30 days, as specified. It would require that deficiencies not be made public if they are corrected within a specified period.

(3) Under existing law, the commissioner may take certain disciplinary action if specified acts are committed. Additionally, under existing law, the commissioner may prohibit any person from serving as an officer, director, employee, associate, or provider of any plan, or solicitor firm, or as a solicitor if the person was an officer, director, employee, associate, or provider of a plan whose license has been suspended or revoked under the act and the person had knowledge of, or participated in, any of the prohibited acts for which the license was suspended or revoked.

This bill would add to the persons subject to this provision a person serving as an officer, director, employee, associate, or provider of a management company or solicitor firm of any plan. It would additionally permit the director to prohibit any of the persons from serving in the above-described capacities if the prohibition is in the public interest and the person has committed or caused, participated in, or had knowledge of a violation of the act.

(4) Existing law permits, in addition to suspension or revocation of a plan license, the commissioner to levy a civil penalty not less than \$100 nor more than \$2,500 for each violation of the act.

This bill would repeal and revise these provisions, as specified, and would require that the civil penalty be assessed and recovered in a civil action brought by the commissioner in any court of competent jurisdiction. It would require that no action be maintained to enforce a violation involving a civil penalty unless brought before the expiration of 4 years after the act or transaction constituting the violation.

(5) This bill would make various technical, nonsubstantive changes.

Ch. 719 (SB 2155) Bergeson. Water. state project revenue bonds.

(1) Under existing law, the interest rate on revenue bonds issued by the Department of Water Resources for state water projects may not exceed 12% per annum.

This bill would permit the interest to be fixed or variable, as prescribed.

(2) Under existing law, all revenue bonds sold by the department are required to be put to bid in accordance with prescribed procedures.

This bill would require all bonds to be sold by the Treasurer at public sale by bid or at private sale by negotiation, as directed by the department after consultation with the Treasurer, and would prescribe related matters.

(3) Under existing law, the department may provide for the retirement of revenue bonds at any time prior to their maturity and in the manner and upon payment of the premiums fixed and determined in the proceedings providing for the issuance of the

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bonds.

This bill would authorize the department to enter into banking, insurance, remarketing, and other financial arrangements, including prescribed matters, for the payment of principal and interest or to provide the holders of bonds the right to tender bonds to the department or to another party for purchase.

The bill would also permit the proceedings authorizing the issuance of bonds to contain provisions determined by the department and the Treasurer to be necessary or desirable to improve the marketability of the bonds or lower the interest cost to the department. The bill would also permit proceeds of the bonds to be used for a debt service reserve fund.

(4) Under existing law, the department is specially authorized, with the approval of the Department of Finance, to withdraw up to \$300,000 from the Water Resources Revolving Fund without furnishing vouchers and itemized statements. Revolving funds and advances of state agencies are generally governed under other provisions of state law.

This bill would delete that special authorization and would declare legislative intent in that connection.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 720 (SB 2154) Presley. Liability

Existing law provides that, except as to certain self-dealing transactions, a person who performs the duties of a director of a nonprofit public benefit corporation in accordance with statute, as specified, has no liability based upon any alleged failure to discharge the person's obligations as a director.

This bill would also provide that, except as to certain self-dealing transactions, distributions, loans, or guarantees, there is no monetary liability on the part of, and no cause of action for damages shall arise against, any nonpaid director, including a nonpaid director who is also a nonpaid officer, of a nonprofit public benefit corporation for any alleged failure to discharge the duties as director or officer where the duties are performed in good faith, in a manner such director believes to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

Ch. 721 (SB 2112) Beverly. Grade separation projects. priority

Existing law requires the Public Utilities Commission, prior to July 1 of each year, to establish a list, in order of priority, of grade separation projects which the commission determines to be most urgently needed, and requires the California Transportation Commission, from funds budgeted for that purpose and other funds set aside for that purpose, to allocate funds for grade separation projects on the priority list.

This bill would require the Public Utilities Commission, in the case of projects of otherwise equal priority, to give greater priority to projects for which a city or county contributes at least 50% of the cost. This provision would be repealed as of July 1, 1991.

Ch. 722 (SB 1976) Campbell. Emergencies

Existing law provides for state and local plans, including updates on these plans, to be developed concerning preparations for nuclear power plant accidents. Under these provisions, utilities operating 4 specified power plants are assessed an amount determined under a specified formula to reimburse state and local entities for costs incurred in developing the plans referred to above.

Existing law provides for the Nuclear Planning Assessment Special Account, which is appropriated continuously to the Controller to pay local agencies for costs incurred under the provisions referred to above.

Under existing law, these provisions would be repealed on January 1, 1988.

This bill would instead provide that these provisions would be repealed on January 1, 1993.

This bill would also eliminate the provision which continuously appropriates the Nuclear Planning Assessment Account.

Since local agencies would continue to be required to incur costs of developing plans

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concerning nuclear accidents, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 723 (SB 1480) Deddeh. Alcoholic beverages: vessels.

Existing law provides for the issuance of an on-sale general bona fide public eating place intermittent dockside license for vessels of more than 7,000 tons for a fee of \$2,000 for an original license and \$360 per year for renewal of that license. The law does not provide for the issuance of daily licenses to vessels.

This bill would provide for the issuance of a daily on-sale general license for vessels of 7,000 tons or more, which are located in San Diego County, for a fee of \$50 per day. The license would be issued for a period not to exceed 2 consecutive days and could not be issued for use on the same vessel more than 24 times per year.

Ch. 724 (AB 3711) Johnson. Unemployment insurance: penalties.

Existing law provides that any employer who, without good cause, fails to file a report of wages of each of his or her workers within 15 days after service and notice of demand to do so, shall pay in addition to other amounts required, for each unreported wage item, a penalty of \$1 per month up to a maximum of 3 months, but not less than \$4 for any calendar quarter.

This bill would instead provide that this penalty shall be \$10 for each unreported wage item.

Existing law provides that a violation of specified provisions of the unemployment insurance law and the law requiring the withholding of state income tax on wages is a misdemeanor, with specified and differing penalties.

This bill would specify that the penalties for these violations shall be imprisonment in the county jail for not more than one year, or in the state prison, or a fine of not more than \$20,000, or by both the fine and imprisonment, at the discretion of the court.

This bill would also make various related changes regarding the penalties for violations of the unemployment insurance law, the law requiring the withholding of state income tax on wages, and the Unemployment Insurance Code.

This bill would make an appropriation by providing for the deposit of new and increased penalties into the Employment Development Department Contingent Fund, a continuously appropriated fund.

This bill would impose a state-mandated local program by increasing the penalties for various crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 725 (AB 3661) Agnos. Commercial fishing: herring.

(1) Existing law prohibits taking of herring for commercial purposes except under a permit and subject to regulations adopted by the Fish and Game Commission.

This bill would specify requirements for permits to operate vessels to take herring, and regulations for the commercial herring industry, violation of which would be a misdemeanor under other provisions of existing law, thereby imposing a state-mandated local program by creating a new crime.

The bill would also require the Director of Fish and Game to meet and confer with members of the commercial herring roe fishery for specified purposes.

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The bill would authorize the commission to adopt civil damages that may be imposed in lieu of permit sanctions or for violations of its herring regulations

(2) Revenues from permit fees, civil damages, and allocations of the fines received under the bill are required by other provisions of existing law to be deposited in the Fish and Game Preservation Fund, which is a continuously appropriated fund.

Because this bill would increase the revenues deposited in the fund, it would make an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 726 (AB 3792) La Follette. State Air Resources Board: advisory committees: compensation

(1) Under existing law, the State Air Resources Board has general authority to appoint advisory groups and committees, and members receive \$50 per day and expenses for each meeting of the group or committee.

This bill would increase the compensation of members appointed under these provisions to \$100 and restrict the expenses which the members may receive to actual and necessary travel expenses, and would permit the compensation and travel expenses for attending a meeting of the state board as well as a meeting of the group or committee

(2) Existing law establishes the Scientific Review Panel on Toxic Air Contaminants composed of 9 members appointed for 3-year terms effective January 1, 1984. The members receive a compensation of \$100 per day and expenses for attending meetings of the panel

This bill would revise the terms of the panel members by extending the terms of 3 members until January 1, 1988, and of 3 until January 1, 1989, as specified, so that the terms of the members will be staggered with 3 terms expiring each year. The bill would revise the qualifications for appointment to the panel and permit the panel to utilize special consultants. The bill would require the Secretary of Environmental Affairs to appoint the chairperson. The bill would also permit the members to receive compensation and expenses for attending meetings of the state board and, upon authorization of the chairperson of the state board, while on official panel business

The bill would specify the support which the state board, the State Department of Health Services, and the Department of Food and Agriculture are required to provide the panel.

(3) Existing law requires the state board to appoint a screening committee for purposes of air pollution research, and provides compensation to each member of \$50 per day and expenses for attending a meeting of the committee.

This bill would increase the compensation to \$100 per day, and would provide the compensation and expenses for attending a meeting of the state board as well as a committee meeting

(4) Existing law establishes the Scientific Advisory Committee on Acid Deposition and provides a compensation of \$100 per day and expenses to the members for attending meetings of the committee.

This bill would provide the compensation and expenses for attending meetings of the state board as well as meetings of the committee.

(5) Existing law, which is repealed on January 1, 1988, authorizes the state board, beginning July 1, 1983, to require air pollution control districts and air quality management districts to impose additional variance and permit fees on nonvehicular sources which, after deducting administrative costs of collection by the districts, are transmitted to the Controller for deposit in the Air Pollution Control Fund and used, when appropriated, for acid deposition monitoring and research. Existing law also requires the state board to submit annual reports to the Governor and the Legislature on acid deposition and a final report not later than January 1, 1988

This bill would require the final report of the state board on acid deposition to be submitted not later than December 31, 1988. The bill would change the repeal date of

the law on acid deposition to December 31, 1988, and would impose a state-mandated local program by authorizing the state board to require districts to impose the additional fees from January 1, 1988, to July 1, 1988.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 727 (AB 3801) Lancaster. Real property. merger.

Existing law regulating subdivisions contains provisions regulating the merger of contiguous parcels or units of land. On or after January 1, 1984, parcels may be merged by local agencies only in accordance with those provisions

This bill would provide that those provisions do not abrogate or limit the authority of a local agency or a subdivider with respect to procedures relating to lot line adjustments, amendment or correction of a final or parcel map, reversions to acreage, exclusions, or tentative, parcel or final maps which create fewer parcels

Existing law requires a city or county no later than January 1, 1986, to record a notice of merger for any parcels which merged prior to January 1, 1984, and provides that after January 1, 1986, no parcel merged prior to January 1, 1984, shall be considered merged unless a notice of merger has been recorded. However, a notice of merger as to certain agricultural land, timberland, and other land in specified categories where certain conditions exist must be recorded prior to January 1, 1988

This bill would provide that counties more than 20,000 square miles in size shall have until January 1, 1990, to record a notice of merger for parcels of 4,000 square feet or less prior to the time of merger which were merged prior to January 1, 1990. However, that provision would not be applicable to those lots meeting the criteria which were transferred or for which a building permit was applied for between January 1, 1986, and the effective date of this bill

This bill would declare that it is to take effect immediately as an urgency statute

Ch 728 (AB 3681) Elder Gas pipeline distribution system operators: reports.

Under existing law, public utility gas corporations and common carrier pipeline operators are subject to the jurisdiction, control, and regulation of the Public Utilities Commission. The Mobilehome Parks Act is administered and enforced by the Department of Housing and Community Development or a local enforcement agency designated pursuant to that act

This bill would require every operator of a gas distribution system in a mobilehome park, as defined, to prepare and submit to the department or the local enforcement agency, as appropriate, an annual report on that distribution system, using a designated United States Department of Transportation form for the purpose.

The bill would require the department, with respect to reports submitted to it, to immediately transmit a copy of the report to the commission, and would require the commission to examine the report for indication of a violation of designated federal regulations relating to gas pipelines and reports of leaks and to notify the United States Department of Transportation of any suspected violation, transmitting with the notification a copy of the report

The bill would specify civil penalties for a failure of a mobilehome park operator to file the required report, but would exempt, for one year, reports on those systems in existence or under construction on January 1, 1987.

Ch 729 (AB 3961) Allen. Redevelopment. plan amendment.

(1) Existing law, known as the Community Redevelopment Law, provides for the adoption and amendment of a redevelopment plan by a redevelopment agency in accordance with specified procedures. Existing law requires that if the boundaries of an existing project area, for which the redevelopment plan contains a provision for the division of taxes according to a specified method, are changed, the redevelopment agency shall provide county officials and local and state taxing agencies information

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about the areas to be added or detached. County officials have 90 days from a specified date, or a period as otherwise agreed to by the redevelopment agency and the State Board of Equalization, to provide to the redevelopment agency and taxing agencies a report containing prescribed information about those areas.

This bill would expressly specify that the notification must be given if the project boundaries are changed pursuant to particular provisions of law. The bill would impose a state-mandated local program by revising to 60 days the period for county officials to prepare and submit the report on areas to be added to, or detached from, the project area where the redevelopment agency and the State Board of Equalization do not agree to a different period

(2) Existing law requires the agency to require that certain dwelling units remain available at affordable housing cost to low-income persons for not less than the period of land use controls established in the redevelopment plan.

This bill would specify that the agency shall continue to require that those units remain affordable if the land on which the units is located is deleted from the project area.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 730 (AB 3660) Farr. State highways: emergency service.

Existing law authorizes a county and cities within the county to create a Service Authority for Freeway Emergencies for the purpose of establishing and implementing an emergency motorist aid system, including emergency call boxes and emergency mechanical service patrols on portions of the California Freeway and Expressway System located within the county in which the authority is established

This bill would delete the specific reference to emergency mechanical service patrols, and would describe the system as one for, rather than one which includes, but is not limited to, emergency call boxes. The bill would extend the program to state highway routes which connect segments of the California Freeway and Expressway System. The bill would require that the state highways be those over which the Department of the California Highway Patrol has law enforcement responsibility.

Ch. 731 (AB 1103) Bradley. Seismic safety: hospital buildings.

Existing law, contained in the Hospital Seismic Safety Act of 1983, provides for state regulation of the design and construction of hospital buildings, as defined. Existing law establishes a 15-member Building Safety Board with prescribed qualifications which is required to advise and, with certain exceptions, to act as a board of appeals with regard to seismic safety of hospitals.

This bill would increase the membership of the board to 17 members by the addition of a general contractor and another public member.

Existing law authorizes specified entities to recommend nominees for appointment to the board.

This bill would authorize the Associated General Contractors of California to recommend nominees for appointment to the board.

Ch. 732 (AB 2604) Bradley. Swap meets.

Existing law requires any vendor selling or exchanging personal property at a swap meet to report all property offered or displayed for sale or exchange on a form prescribed or approved by the Department of Justice. Existing law also requires a swap meet operator to distribute to, and collect the forms from, vendors, and to submit the completed forms to either the chief of police or sheriff. A violation of these provisions is a misdemeanor.

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This bill would specifically require the form to be submitted to the swap meet operator by the vendor before the close of the business day on which the property is offered for sale or exchange at a swap meet and would require the operator to submit the form to the chief of police or sheriff, as specified, within 24 hours or before the close of the first working day following the swap meet. The bill would authorize the waiver of any requirement of the provisions relating to the reporting of property offered or displayed for sale at swap meets by the chief of police of a city or the sheriff of an area outside of the city. A violation of this provision would be a misdemeanor, thus, this bill would impose a state-mandated local program by creating a new crime.

This bill would also revise the existing definition of the type of personal property that is commonly sold at swap meets and that constitutes a significant class of stolen goods, as specified to include any phonograph record, disk, tape, film, or other sound recording medium.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 733 (AB 2706) Bader Housing infrastructure incentive funding.

Existing law contains legislative findings and declarations that the state has the primary responsibility for assisting local agencies in facilitating the production of an ample supply of affordable housing through the creation of an incentive-oriented supplemental financing program for local infrastructure and that it would be in the public interest and would serve a public purpose for the Legislature to provide a housing infrastructure incentive policy and a concept of flexibility and local options which would encourage a local agency to expedite its approval process for housing developments. Existing law specifies that those legislative findings and declarations are not self-executing and are not to be implemented without further enabling legislation.

This bill would require the Debt Advisory Commission, in conjunction with specified persons, to submit a report to the Legislature and the Governor containing findings and recommendations regarding the implementation of those provisions. The bill would appropriate \$45,000 from the Debt Advisory Commission Fund to the Debt Advisory Commission to prepare that report.

Ch. 734 (AB 2715) Frazee Judicial exhibits.

(1) Existing law requires the court, prior to the final determination of a criminal action or proceeding, to return all or a specified portion of the state's exhibits to the state, where the exhibit poses a security, storage, safety, or health problem.

This bill would make the above requirement applicable to exhibits offered by the defendant, and would require the clerk of the court to make a recommendation as to the security, storage, safety, or health problem posed by the exhibit, thereby imposing a state-mandated local program.

(2) Existing law requires the court to dispose of all exhibits, as specified, 60 days after final determination of the criminal action or proceeding, as defined.

Existing law further requires that if the party entitled to the exhibit fails to apply for the return of the exhibit prior to the date for disposition and the property, other than money, consists of property which is stolen or embezzled, the property must then be returned to the arresting agency for disposition, as specified, or if the property is not money and is neither stolen nor embezzled it must then be transferred to the appropriate county agency for sale unless the county determines it is needed for public use.

This bill would instead provide that 60 days after the final determination of the action, (1) exhibits of stolen or embezzled property, other than money, shall be disposed of pursuant to court order, (2) exhibits of property, other than property which is stolen or embezzled or property which consists of money or currency, shall be transferred to the appropriate county agency for sale unless the county determines that the property is needed for public use, and (3) exhibits of property, other than money, currency, or stolen or embezzled property, that are determined by the court to have no value at

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public sale shall be destroyed or otherwise disposed of pursuant to court order.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 735 (AB 2723) Seastrand Alcoholic beverages: wine

Existing law provides that any unlicensed adult person may apply for a permit to receive a shipment of wine from another state of the United States. Existing law provides that those shipments not be in excess of 2.4 gallons in any calendar month.

This bill would provide that an individual or licensee may ship, for personal use and not for resale, not more than 2 cases of wine per month to any adult resident of this state. The provisions would apply only to a licensee or individual in those states which afford California licensees or individuals an equal reciprocal shipment privilege.

The bill would require all shipping containers to be labeled to indicate that the container may not be delivered to a minor or to an intoxicated person.

A violation of the Alcoholic Beverage Control Act is a misdemeanor, and this bill would impose a state-mandated local program by adding new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 736 (AB 2767) Lancaster Vehicles length and load restrictions

Under existing law, a combination of vehicles coupled together, including attachments, may not exceed a total length of 65 feet, with specified exceptions. Also, under existing law, the load upon any combination of vehicles shall generally not exceed 75 feet measured from the front extremity of the vehicle to the rear extremity of the last vehicle or load.

This bill would increase the maximum length for a combination of vehicles designed to transport motor vehicles, which consists of a motortruck and stinger-steered semitrailer, to 70 feet, if the kingpin is at least 3 feet behind the rear drive axle of the motortruck, or 75 feet if specified conditions are maintained. The bill would exempt both the 70-foot maximum length and the 75-foot maximum length for those vehicle combinations from the 75-foot load limitation, but would prohibit the load upon the rear vehicle of the combination from extending more than 6 feet 6 inches beyond the maximum allowable length.

Ch 737 (AB 2838) D. Brown. Income taxes jeopardy assessments.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, the Franchise Tax Board is authorized to issue a jeopardy assessment whenever it determines that the assessment or collection of tax, including deficiencies, for any current or past year will be jeopardized in whole or in part by delay. It provides that a jeopardy assessment becomes final and the stay of collection ineffective upon the expiration of 60 days from the date of mailing or issuance of the jeopardy assessment. During this 60-day period, a taxpayer may file a written petition for reassessment with the Franchise Tax Board. Although the petition does not, in and of itself, stay collection, the Franchise Tax Board is required to grant the taxpayer, if requested, an oral hearing and reconsider the jeopardy assessment. The petition for reassessment becomes final 30 days after the Franchise Tax Board mails notice of its action, unless within this 30-day period the taxpayer appeals that action to the State Board of Equalization. If the taxpayer appeals the Franchise Tax Board action to the State Board of Equalization, the assessment is final 30 days from the date of the board's determination unless either the taxpayer or the Franchise Tax Board petitions for a rehearing. If a petition for rehearing is filed, the assessment is final 30 days after the board issues a decision on the petition for rehearing.

This bill would revise the procedure for filing a petition for reassessment and appeal.

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ing the action of the Franchise Tax Board with respect to a jeopardy assessment and would establish a procedure for the taxpayer or the Franchise Tax Board to bring, after exhausting those administrative procedures, a civil action in the superior court for a determination as to whether the making of the jeopardy assessment is reasonable under the circumstances considering all relevant factors, as specified.

Ch. 738 (AB 3007) Seastrand. Department of Parks and Recreation. acceptance of credit cards.

Under existing law, the Department of Parks and Recreation may collect fees, rents, and other returns for the use of any state park system area in amounts determined by the department.

This bill would authorize the department to accept a credit card as a method of payment for fees collected through the department's reservation system. The bill would authorize the department to impose a surcharge to cover its costs for providing the reservation service, including credit card fees or discounts, and would specify related matters.

Ch. 739 (AB 3009) Grisham. State highways soundwall barriers: Route 91.

Legislation enacted in 1985 appropriated \$4,950,000 of settlement funds received by the state pursuant to the federal Outer Continental Shelf Lands Act to the Department of Transportation to be expended for specified highway and freeway soundwall projects, as described.

This bill would revise the description of one of those projects on State Highway Route 91 in Los Angeles County.

Ch. 740 (AB 3066) Frizzelle. Crimes: false reports

(1) Under existing law, it is a misdemeanor for any person to (1) report to any peace officer, as defined in specified provisions of the Penal Code, that a felony or misdemeanor has been committed, knowing that the report is false, and (2) to make such a knowingly false report to certain other peace officers if the information is given while the peace officer is engaged in the performance of his or her official duties and the person providing the false information knows or should have known that the person receiving the information is a peace officer.

This bill would make it a misdemeanor to make such a knowingly false report to any employee who is assigned to accept reports from citizens and who is employed by specified state and local law enforcement agencies under the circumstances set forth under (2) above.

This bill would mandate a new program or higher level of service on local government by expanding the scope of an existing crime.

This bill would also provide that these provisions do not apply to reports made by persons who are required by statute to report known or suspected instances of child abuse, dependent adult abuse, or elder abuse.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 741 (AB 3071) Peace. Hazardous material certification.

Existing law requires the Department of Motor Vehicles to establish 2 certifications required to operate (a) specified motor vehicles carrying hazardous materials, including hazardous waste, and (b) combinations of vehicles with any tank configuration transporting bulk liquid loads. The department is required to adopt regulations specifying requirements for certifying drivers of those vehicles. Under existing law, these regulations do not apply to drivers holding a class 1 or 2 driver's license on the effective date of the regulations until renewal of their licenses.

This bill would exempt drivers holding a class 3 driver's license on the effective date of the regulations, from these regulations until renewal of their licenses after that date.

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The bill would also exempt from the hazardous materials certification any person transporting diesel fuel in an implement of husbandry or a vehicle exempt from registration under provisions relating to implements of husbandry and any person who meets certain requirements, including being employed in an agricultural operation, obtaining a certification of completion of a specified training program upon payment of a \$3 fee, and the operation of an implement of husbandry or a motor vehicle requiring a class 3 driver's license for a distance of not more than 50 miles

The bill would make other conforming changes.

Ch. 742 (AB 3092) O'Connell. Education: interdistrict attendance.

Existing law contains extensive provisions governing the interdistrict attendance of pupils and the manner of computing that attendance.

This bill would recast and renumber various provisions pertaining to the interdistrict attendance of pupils.

Existing law permits a pupil, residing in one district, to attend another school district, under specified circumstances

This bill would additionally provide for verification of an interdistrict attendance agreement. This bill would require a school district to give notice of the right to appeal its decision not to enter into, or its failure to enter into, an interdistrict attendance agreement. This bill would establish procedures for the appeal of a district's action in failing or refusing to enter into an agreement. This bill would also require the county board of education to provide written notice of its decision in the event of an appeal.

The verification and notification provisions of this bill would impose a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 743 (AB 3098) Jones. Agriculture: seeds.

(1) Under the California Seed Law, that law is funded by registration fees and a prescribed assessment imposed generally on labelers of agricultural or vegetable seed offered for sale or sold in this state and on persons who receive or possess for sale or sell any seed which is not grown in this state

The law requires that 30% or \$65,000 of the assessment funds, whichever is greater, be annually subvented to counties

This bill would prohibit the annual county subvention from exceeding \$120,000 and would increase the annual assessment by a specified amount

(2) Existing provisions of the Food and Agricultural Code continuously appropriate moneys from the Food and Agriculture Fund for purposes of the California Seed Law.

Because this bill would increase the amount of moneys in the fund for that purpose, it would constitute an appropriation.

Ch. 744 (AB 3115) Wright. Pesticides: dealer licenses.

Existing law requires pesticide dealers to be licensed by the Director of Food and Agriculture

This bill would authorize the director, after a hearing, as specified, to refuse, revoke, or suspend a pesticide dealer license for violation of pesticide laws.

Ch 745 (AB 3117) Mountjoy. Game. Nelson bighorn sheep.

(1) Under existing law, specified mammals are game mammals which may be taken under licenses, tags, and permits pursuant to regulations adopted by the Fish and Game Commission. Existing law prohibits taking or possession of specified fully protected mammals or parts thereof, including the species of bighorn sheep

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This bill would except the subspecies of Nelson bighorn sheep in specified areas from the class of fully protected mammals and provide that they are game mammals.

The bill would provide for the development of specified management plans for the management of all bighorn sheep by the Department of Fish and Game. The bill would authorize the commission to regulate the subspecies of Nelson bighorn sheep within each management unit in specified areas, authorize sport hunting of Nelson bighorn rams in those specified areas by specially trained hunters, as specified, and require the issuance of one permit to take one Nelson bighorn ram by auction or other method annually, which permit is exempt from the fee limitation in the bill, for the purpose of funding programs to benefit bighorn sheep, as specified. The bill would authorize the commission to determine the fee, not to exceed \$500, for other permits to take Nelson bighorn sheep.

The bill would require the deposit of revenues under the bill into the Bighorn Sheep Account, which the bill would create in the Fish and Game Preservation Fund, and would, notwithstanding the continuous appropriation of money from the fund and specified budget requirements, make the revenues in the account available for expenditure by the department for purposes of the bill upon appropriation by the Legislature.

The above provisions would be in effect only until January 1, 1993.

The bill would make a violation of specified provisions of the bill a misdemeanor, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 746 (AB 3120) McAlister. State employees: payroll deductions.

Existing law permits a state employee to authorize deductions to be made from his or her salary or wages for payment to organizations and business entities for specified purposes. In administering payroll deductions, the Controller is required to provide for an agreement from organizations and business entities receiving deductions or other deduction services to relieve the state of any liability that may result from making, canceling, or changing requested deductions.

This bill would provide that no financial institution receiving a payroll deduction shall be required to reimburse the state for any error in the payroll deduction received by that financial institution after 90 days from the month in which the payroll deduction was deducted.

Ch. 747 (AB 3138) Eaves. Courts.

(1) Existing law requires a party to a civil action who subpoenas a peace officer or other specified public employee to deposit the sum of \$125 with the court or tribunal for each day of appearance to be applied against his or her employer's expenses.

This bill would increase the amount of that deposit to \$150 per day.

(2) Existing law specifies the number and compensation of personnel for the San Bernardino County Municipal Court District, and provides for various administrative decisions regarding the court to be made by the council of supervising judges.

This bill would revise the number and compensation of personnel of the San Bernardino [County]* Municipal Court District, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program and would provide for various administrative decisions regarding the court to be made by the judges rather than by the council of supervising judges.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 748 (AB 3144) N. Waters. Highway repair: traffic control.

(1) Under existing law:

(a) The Department of Transportation may restrict the use of or close a state highway when necessary for protection of the public, or for protection of the highway during construction, improvement, or maintenance operations. In order to notify the public that a highway is closed or its use restricted, the department may erect barriers or obstructions, post warnings and notices of the condition, post signs for the direction of traffic, place warning devices on the highway, and assign a flagman to warn, detour, or direct traffic. The willful failure to comply with any of these traffic control devices or directions is a misdemeanor.

(b) Local authorities may adopt rules and regulations regarding, among other things, the regulation of traffic at the site of road or street construction or maintenance by persons authorized for that duty by the local authority. Local authorities may regulate traffic at locations requiring orderly traffic flow by means of a person temporarily or permanently appointed to that duty, and the failure to obey the direction of the person so appointed is an infraction.

(c) The failure to obey any sign or signal erected or maintained to indicate and carry out the provisions of the Vehicle Code or local traffic ordinances is an infraction.

This bill would:

(a) Permit a duly authorized representative of the Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, including persons contracting to perform construction, maintenance, or repair on a street or highway, while engaged in the performance of that work, to restrict the use of, and regulate the movement of traffic through or around, the affected area whenever the traffic would endanger the safety of workers, or the work would interfere with or endanger the movement of traffic through the area. The bill would authorize the traffic to be regulated by warning signs, lights, appropriate control devices, or by a person or persons controlling and directing the flow of traffic.

(b) Impose a state-mandated local program by making the failure to obey instructions of the authorized person controlling and directing traffic, or to comply with the directions of the warning signs, lights, or other control devices, an infraction or a misdemeanor, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 749 (AB 3170) Campbell. Insurance: workers' compensation rates

Under existing law, a worker's compensation insurer that adopts a change in an employer's classification that results in an increased premium is required to notify the employer who may request reconsideration and appeal.

This bill would provide that a workers' compensation insurer may not change the classifications on a policy that results in an increased premium except in specified circumstances.

Ch. 750 (AB 3198) Hill. Hunting and fishing guides.

(1) Existing law requires a hunting or fishing guide to be licensed and provides for fees, until January 1, 1988, of \$45 for residents and \$125 for nonresidents. The revenue is deposited in the continuously appropriated Fish and Game Preservation Fund. A violation of these provisions is a misdemeanor.

This bill would revise and recast those provisions, would require the fees to be adjusted by a specified factor, would provide for registration of employees of licensed guides for a \$10 fee, would make the guide license fees permanent with a reduced fee, until January 1, 1988, for specified persons, and would authorize a court to order revocation of hunting, fishing, or guide privileges for specified offenses. Because the bill would increase the revenues to the continuously appropriated fund, it would make an appropriation.

The bill would also impose a state-mandated local program by changing the definitions

of crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 751 (AB 3240) Seastrand. Hazardous waste facilities: air monitoring.

(1) Existing law requires the operator of a landfill, land farm, or surface impoundment which is used for disposing hazardous waste containing volatile organic compounds to monitor air emissions from the facility and make semiannual reports to the State Department of Health Services

This bill would make a statement of legislative intent and would require the owner or operator of a commercial offsite multiuser hazardous waste disposal facility to develop a plan for the monitoring of the ambient air downwind and upwind from the facility and to submit the plan to the department by October 1, 1987, for approval pursuant to a specified procedure.

The bill would direct the department to order the operator of a hazardous waste facility required to submit a monitoring plan to develop and implement a corrective action plan if the department demonstrates, pursuant to a public hearing, that the facility is the source of a substance in the ambient air which poses a specified threat or affects the quality of the environment.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by creating a new crime concerning the operation of certain hazardous waste disposal facilities

The bill would provide that no reimbursement is required for a specified reason

Ch. 752 (AB 3243) Mojonner. Agriculture eradication and control

(1) Under existing law, any violation of the laws relating to certification of plant shipments is an infraction for the first offense and a misdemeanor for a second or subsequent offense within 3 years of a prior conviction of a violation.

This bill would make the use by any person of a false or invalid certificate, as defined, for the purpose of certification, a misdemeanor, thus imposing a state-mandated local program by creating a new crime.

(2) Existing law authorizes the Director of Food and Agriculture or the county agricultural commissioner to hold any plant or other thing which is, or may be, capable of disseminating or carrying a pest that exists on any premises. The director or commissioner is then required to notify the owner of the plant or thing of this action

This bill would delete these and related references to "other thing" and instead authorize the director or commissioner to hold any host or possible carrier of the pest. The bill would also authorize the director or the commissioner to hold plants, other hosts, or other possible carriers on any premises within 5 miles of the premises on which the pest was found to exist

(3) Existing law requires the director to take any steps necessary to eradicate the plant hydrilla (*Hydrilla verticillata*)

This bill would impose a state-mandated local program by making it a crime to produce, propagate, harvest, possess, sell, or distribute hydrilla, and would authorize the Department of Food and Agriculture to cooperate with federal and other agencies to develop and implement biological control methods to eradicate or control hydrilla.

The bill would require the director to conduct an ongoing survey and detection program on hydrilla and to cooperate with various governmental agencies to eradicate hydrilla.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified

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reason.

Ch. 753 (AB 3255) Allen. Vehicles: motorcyclist safety.

Existing law establishes a motorcyclist safety program in the Department of the California Highway Patrol to be administered by the Commissioner of the California Highway Patrol.

This bill would, commencing January 1, 1988, require any person under the age of 18 years to complete a motorcyclist rider training program approved by the commissioner before a driver's license to operate a 2-wheel motorcycle can be issued to that person.

Ch. 754 (AB 3291) Wright. Unemployment insurance: School Employees Fund

Existing law provides for the payment by each school employer of charges and expenses of unemployment insurance for school employees to the School Employees Fund. If the Director of Employment Development finds that the ability of the School Employees Fund to meet its estimated obligations promptly when due will become endangered, he or she shall increase the contribution rate otherwise required to a level estimated to be needed to protect the solvency of the fund.

This bill would, in addition, provide that the director shall not increase the contribution rate to more than 3/10 of 1%, and would provide that if the director finds that the School Employees Fund balance is in excess of an adequate reserve to meet its estimated obligations promptly when due, he or she shall, after consultation with the fund's School Advisory Committee, decrease the contribution rate otherwise required, but shall not decrease the contribution rate to less than 1/10 of 1%.

Ch. 755 (AB 3297) Bader. Workers' compensation: conditions of compensation.

Existing law provides that an employer is liable for workers' compensation for injuries to employees arising out of and in the course of the employment where the specified conditions of compensation occur.

This bill would, in addition, provide that a condition of receiving workers' compensation is that the injury is not caused by the commission of a felonious act by the injured employee, for which he or she has been convicted.

Ch. 756 (AB 3449) Wright. Cable television corporations: property.

(1) Existing law makes any person who willfully and maliciously damages the property of an electrical, gas, telegraph, or telephone corporation civilly liable for 3 times the amount of the damages.

This bill would extend similar provisions to cable television corporations.

(2) Under existing law, any person who unlawfully and maliciously removes or damages any electric, telegraph, or telephone line or related equipment is guilty of a criminal offense.

This bill would include within those provisions the unlawful and malicious removal of or damage to a cable television line or related equipment, thereby imposing a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 757 (AB 3769) Mojonner. Juvenile court law.

(1) Existing law delineates a procedure for the commencement of proceedings to declare a minor a ward of the court, and specifies that whenever any person applies to the probation officer to commence proceedings in the juvenile court, the application shall be in the form of an affidavit alleging specified facts. Existing law requires the probation officer to immediately make any investigation he or she deems necessary to determine whether proceedings in the juvenile court shall be commenced.

This bill would require, in all matters where a minor is not in custody and is already a ward of the court or a probationer under specified provisions of existing law, that the

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prosecuting attorney, within 5 judicial days of receipt of the affidavit from the probation officer, institute proceedings in accordance with his or her role as a public prosecutor, unless it appears that the affidavit was not properly referred or that the offense for which the minor was referred requires additional substantiating information, in which case he or she would be required to immediately notify the probation officer of what further action he or she is taking thereby imposing a state-mandated local program by expanding the scope of these proceedings

(2) Existing law specifies that upon the filing of a petition to commence proceedings in the juvenile court to declare a minor a ward of the court, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, for service upon the minor and other specified persons.

This bill would impose a state-mandated local program by also requiring the clerk of the juvenile court, upon the filing of a supplemental petition where the minor has been declared a ward of the court or a probationer under specified provisions of existing law in the original matter, to issue a notice to be attached with a copy of the petition for service. This bill would require the clerk to issue a copy of the supplemental petition to the minor's attorney, and to the district attorney if the probation officer is the petitioner, or to the probation officer if the district attorney is the petitioner, containing the time, date, and place of the hearing

(3) Existing law provides that an order modifying a previous order by removing a minor from the physical custody of a parent, guardian, relative, or friend shall be made only after a noticed hearing upon a supplemental petition

Existing law requires the supplemental petition to be filed by the probation officer, where a minor has been declared a ward of the court or a probationer, under specified provisions of existing law, and by the prosecuting attorney at the request of the probation officer where a minor has been declared a ward or probationer in the original matter

This bill would impose a state-mandated local program by revising the requirements for the filing of these supplemental petitions by requiring the supplemental petitions to be filed by the probation officer where the minor has been declared a ward of the court or probationer under specified provisions of existing law in the original matter and where the minor is a court ward or probationer under other provisions of existing law in the original matter and the supplemental petition alleges a violation of a condition of probation not amounting to a crime. This bill would require the supplemental petition filed by the probation officer, if the petition alleges a violation of a condition of probation not amounting to a crime, to include a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor. This bill would require the supplemental petition to be filed by the prosecuting attorney if the minor has been declared a ward or probationer under specified provisions of existing law at the request of the probation officer and the petition alleges a violation of a condition of probation amounting to a crime. This bill would require the supplemental petition filed by the prosecuting attorney to include a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor

This bill would specify that in situations where the probation officer is the petitioner under specified circumstances, if prior to the attachment of jeopardy at the time of the jurisdictional hearing it appears to the prosecuting attorney that the person is not a minor subject to the filing of a petition by the probation officer, or that the supplemental petition was not properly charged, he or she may make a motion to dismiss the supplemental petition and to request that the matter be referred to the probation officer for whatever action the prosecuting attorney or probation officer deems appropriate

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that no reimbursement shall be made from the State Mandates

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Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch 758 (AB 3823) Leonard. Regional agencies

(1) Existing law permits the establishment of air quality management districts and air pollution control districts, which are empowered to perform specified duties relating to air pollution.

Existing law contains notice and hearing requirements which must be adhered to by a district in adopting, amending, or repealing regulations

This bill would require these districts to comply with additional specified notice and hearing procedures in the adoption, amendment, or repeal of regulations.

The bill would also require any regulation, including an amendment thereto, to meet standards of necessity, authority, clarity, and consistency, as those terms are defined in the bill.

(2) Existing law also establishes regional water quality control boards covering all areas of the state. Each regional water quality control board is required to perform various duties, including the prevention and abatement of water pollution and nuisance, and the submission of a regional water quality control plan to the State Water Resources Control Board.

This bill would provide that guidelines adopted by a regional board shall not become effective unless and until approved by the State Water Resources Control Board.

Since the bill imposes requirements which must be followed by air quality management districts and air pollution control districts, which are local agencies, in adopting regulations, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 759 (AB 3362) Peace. Vehicles light bars

(1) Under existing law, it is an infraction to own or operate a motor vehicle painted in a manner to resemble a motor vehicle used by a peace officer or traffic officer while on duty for traffic enforcement, except, among other specified vehicles, vehicles painted one solid color, or vehicles first registered on or before January 1, 1979.

This bill would, in addition, prohibit any person from owning or operating a vehicle equipped with a light bar or facsimile thereof, as defined, to resemble a motor vehicle used by, or within the jurisdiction of, a peace officer or traffic officer on duty for the primary purpose of traffic enforcement. Since a violation of the prohibition would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

The prohibition of the bill would not apply to vehicles owned or used by private investigators, private patrol operators, and alarm companies, which are licensed under the Business and Professions Code, in the performance of their duties. However, the bill would not authorize those persons or companies to equip a vehicle with a light bar if prohibited by other provisions of existing law or regulation

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 760 (AB 3463) Molina. Poisonous or contaminated toys.

(1) Existing law makes it a misdemeanor to manufacture, sell, exchange, or possess with intent to sell or exchange, or expose or offer for sale or exchange to any retailer various types of poisonous or contaminated toys, including toys which are stuffed, padded, or lined with materials which are toxic or which would otherwise be hazardous if

ingested. Violation of this provision is a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, by a fine not exceeding \$500, or by both.

This bill would expand the definition of this crime to include any toy contaminated with any toxic substance and would make the punishment for the violation of the misdemeanor a fine not exceeding \$1,000 for each violation or by imprisonment in the county jail for a period not exceeding one year, or by both. Increasing the penalty for a misdemeanor or creating a new misdemeanor is a state-mandated local program.

(2) The bill would also require toys to contain a label with the name and place of business of the manufacturer, distributor, or importer in the United States and would establish procedures for embargoing toys in violation of the bill's provisions. As applied to local health officers, these new provisions would be state-mandated local programs.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but, except for the mandate caused by the creation of new misdemeanors, would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 761 (AB 3505) Hayden. Regulations.

Under existing law, the Fish and Game Commission is required to publish and distribute in booklet form the regulations it adopts, as specified.

This bill would require the book of sportfishing regulations to include other specified health advisory information.

Ch. 762 (AB 3544) Kelley Fish and game: licenses and punch cards.

Under existing law, generally, the Department of Fish and Game may authorize any person to be a license agent to sell and issue licenses, license stamps, and license tags in addition to those the department issues. Existing law also requires an authorized license agent to add a specified handling charge to the prescribed fee for specified licenses and license tags, but not for specified license stamps.

This bill would, generally, allow the department to also issue punch cards and would authorize authorized license agents to issue license upgrade stamps and punch cards. The bill would require a specified handling charge to be added to the fees for the punch cards and license upgrade stamps. Because the fees would be deposited in the Fish and Game Preservation Fund, which is a continuously appropriated fund, the bill would make an appropriation.

The bill would also authorize the department to issue a free sportfishing permit to fish for 2 designated days in a designated location to persons in charge of groups of handicapped persons, as specified. For each of those free permits, the bill would declare the requirement for an appropriation of \$2 from the General Fund, as specified.

Ch. 763 (AB 3569) Felando. Commercial fishing.

(1) Under existing law, sardines may not be taken or possessed on any boat, barge, or vessel, except as specifically authorized. Loads or lots of fish may contain up to 15% by weight of sardines, which are incidentally taken and which are mixed with the other fish in the load or lot, and they may be used for canning and reduction only. Under former law operative until July 1, 1986, the percentage of incidentally taken sardines was adjusted under specified circumstances; and the sardines could be used for any purpose, except that, if more than 250 tons were incidentally taken in a calendar year, the additional sardines could be used only for specified purposes.

This bill would reenact the provisions relating to incidentally taken sardines which were repealed on July 1, 1986, and instead, would repeal them on January 1, 1990.

(2) Existing law authorizes setting and baiting crab traps 18 hours in advance of the opening date of the dungeness crab season if no crab is taken or possessed

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This bill would authorize the Director of Fish and Game to specify the period before the opening date when the traps may be set and baited in Districts 6, 7, 8, and 9

(3) Existing law prohibits taking or possession of any species of fish other than as specified on any boat carrying a bait net in District 19A

This bill would delete possession from that prohibition

(4) Existing law prohibits the sale or purchase of fish of the family Centrarchidae unless they are grown under the laws regulating aquaculture, as specified

This bill would also except from that prohibition the importation and sale of dead fish of the family Centrarchidae, under specified conditions and under regulations adopted by the Fish and Game Commission.

(5) Existing law authorizes the use of bait nets in specified districts throughout the state and restricts the use of these nets in Districts 19A and 19B to taking anchovies, queenfish, white croakers, and smelt for bait.

This bill would delete the restriction on the use of these nets in District 19B.

(6) Existing law authorizes dip nets 6 feet or less to be used in District 19 under specified conditions, and prohibits use of dip nets of greater than 6 feet in District 20

This bill would, instead, authorize use of hand-held dip nets of 30 feet or less in District 20, and the bill would authorize use of hand-held dip nets of 30 feet or less in District 19 under the specified conditions.

(7) Under existing law, the moneys in the Fish and Game Preservation Fund are continuously appropriated to the department and the commission to carry out the Fish and Game Code

Because this bill would impose new duties on the department and the commission, it would, thereby, make an appropriation

(8) The bill would declare that it is to take effect immediately as an urgency statute

Ch 764 (AB 3571) Mojonner Methadone programs

Existing law grants certain powers over methadone programs to the State Department of Alcohol and Drug Programs. Those powers include generally the power to license, monitor, and assure compliance with the department's regulations.

Existing law requires payment of an annual licensure fee, as specified, upon application or yearly renewal of a license to be paid on the anniversary of the issuance of the most recent license

This bill would, after July 1, 1987, make the term of a license from July 1 through June 30, and would make July 1 the annual licensure renewal date. This bill will grant an extension to all licensed facilities in question until June 30, 1987.

Existing law requires the fee to be set at a level sufficient to cover the department's licensing administrative costs

This bill would specifically include certain government expenses, as specified, in the fee.

Existing law provides the department with authority to take certain specified actions if noncompliance is found

This bill would authorize the department to issue an order that prohibits methadone programs from admitting patients or providing patients with take-home dosages of methadone under certain circumstances and an order suspending a methadone program license under certain circumstances, to grant exceptions to the regulations under certain circumstances, to deny applications for licensure, to suspend, revoke, or deny applications for renewal of existing licenses, and to cease review of applications for licensure or for renewal. This bill would provide that failure to comply with a department order shall give rise to certain civil penalties. The bill would specifically authorize the department to seek a court injunction under certain circumstances.

This bill would provide for the automatic termination of licensure upon a facility's loss of registration with the Drug Enforcement Administration of the United States Department of Justice.

This bill would specify that the Administrative Procedure Act controls suspension, revocation, or denial of licensure proceedings with certain exceptions

This bill would specify that the withdrawal of an application for licensure or the suspension, expiration or forfeiture of a license shall not deprive the department of

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authority to proceed with proceedings against the applicant or licensee.

This bill would define "conviction" to include a plea of *nolo contendere*, and would set forth procedures for establishing the existence and finality of a conviction relevant to licensing proceedings

Ch. 765 (AB 3636) Bradley. Physically disabled persons: dogs full and equal access

Under existing law, (1) blind persons, deaf persons, and other physically disabled persons are entitled to the same full and equal access as other members of the general public, to accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons; and (2) every totally or partially blind person, deaf person, or physically handicapped person has the right to be accompanied by a guide dog, signal dog, or service dog, especially trained for the purpose, in hotels, lodging places, places of public accommodation, amusement, or resort, or other places to which the general public is invited, without being required to pay an extra charge for the guide dog, signal dog, or service dog, provided that he or she is liable for any damage done to the premises or facilities by the guide dog, signal dog, or service dog. Any person who violates these provisions is liable for actual and punitive damages in a civil action

This bill would provide that (1) any blind person, deaf person, or physically disabled person who is a passenger on any common carrier, airplane, motor vehicle, railway train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation operating within this state shall be entitled to have with him or her a specially trained guide dog, signal dog, or service dog; and (2) no blind person, deaf person, or physically disabled person and his or her specially trained guide dog, signal dog, or service dog shall be denied admittance to hotels, restaurants, lodging places, places of public accommodation, amusement, or resort, or other places to which the general public is invited within this state because of that guide dog, signal dog, or service dog. Any person who prevents a blind person, deaf person, or physically disabled person from exercising the above rights would be guilty of an infraction, punishable by a fine not exceeding \$250, thus, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 766 (AB 3837) Stirling. Corporations.

Existing provisions of the Commercial Code contain provisions relating to investment securities governing the purchase and transfer of investment securities, and related matters. Those provisions cover both certificated and uncertificated securities.

Among other things, those provisions specify that a bona fide purchaser acquires an interest in the security free of any adverse claim, but specifies that that provision does not affect the priorities of secured parties.

This bill would delete the provision that specifies that the priorities of secured parties is unaffected.

Existing law provides that, in the case of an uncertificated security, the first person to perfect a security interest using specified registration has priority over other secured parties, except as specified.

This bill would delete that provision. It would make other changes in the Commercial Code provisions relating to investment securities.

The bill would also revise provisions of the Corporations Code to provide that certain requirements relating to share certificates are, with respect to uncertificated securities, applicable to the initial transaction statement and written statements, including a criminal provision, thus the bill would impose a state-mandated local program.

Existing law requires a corporation's articles of incorporation to set forth statements,

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including statements as to the rights, preferences, privileges, and restrictions of classes of shares, and certain rights and restrictions respecting shares and shareholders.

This bill would provide that certain provisions of the articles may be made dependent upon facts ascertainable outside the articles, and that terms of an agreement of merger may be made dependent upon facts ascertainable outside the agreement, as specified.

Under existing law, certain provisions of the Corporations Code are applicable to certain foreign corporations if, among other things, more than $\frac{1}{2}$ of its outstanding voting securities are held of record by persons having addresses in this state. For that purpose, securities held in the names of broker-dealers and their nominees are not considered outstanding.

This bill would also provide that securities held in the names of broker-dealers or nominees include those held by clearing corporations. It would also provide that if the foreign corporation requests all broker-dealers to certify the addresses of beneficial owners, those shares shall be considered outstanding, as specified.

Under existing law, the provision that makes certain provisions of the Corporations Code applicable to certain foreign corporations specifies that it does not apply to a corporation listed on any national securities exchange certified by the Commissioner of Corporations, or if all of its voting shares are owned by corporations not subject to the provision.

This bill would instead exempt corporations with securities listed on the New York Stock Exchange or the American Stock Exchange, or with shares designated for trading as a national market security on the National Association of Securities Dealers Automatic Quotation System if it has at least 800 holders of its securities, as specified, as well as a corporation where all of its voting shares are owned by exempt corporations.

Existing law requires an amendment to the articles or bylaws of a public benefit corporation that would terminate memberships to be made only after a specified 45-day notice.

This bill would permit the waiver of the 45-day notice if all members entitled to vote receive written notice prior to the vote and sign a waiver.

Existing law permits the superior court to order a meeting of a nonprofit or cooperative corporation if it is impractical or impossible for a corporation to call or conduct a meeting in the manner prescribed in its articles or bylaws or by statute.

This bill would change the criteria from impractical or impossible to impractical or unduly difficult.

Existing law provides for the escheat to the state of certain property.

This bill would provide that a proprietary interest in a consumer cooperative corporation shall instead become the property of the corporation.

Existing law provides that an evidence of indebtedness, and its purchasers, are exempt from constitutional usury provisions, if it is rated by specified entities and meets other requirements.

This bill would extend that exemption to evidence of indebtedness that has a rating by an agency or system that has been certified by rule or order of the Commissioner of Corporations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 767 (AB 3855) Grisham Adoption

Existing law requires the State Department of Social Services, the licensed county adoption agency, or licensed private agency, to investigate proposed adoptions and submit a report, but permits the State Department of Social Services to waive the report where an agency licensed to place children in homes for adoption is a party or joins in the petition for adoption, or in an intercountry adoption in which the placement was made by a licensed private agency.

This bill would specify that where the State Department of Social Services or the licensed agency is a party to or joins in the petition for adoption, it is the responsibility

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of that agency to submit the report, thus establishing a state-mandated local program by eliminating the authority for the departmental waiver of the report of the licensed agency. It also would authorize the department to submit a report where an agency licensed to place children in homes for adoption is a party to or joins in the petition for adoption. The bill also would make a related change.

Existing law contains a program to facilitate the adoption of hard-to-place children. This bill would change the reference to special needs children.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 768 (AB 3883) Hill. Firearms.

Under existing law, a law enforcement agency that has custody of firearms or parts of any firearms which are subject to destruction pursuant to law, may, in lieu of destroying them, retain and use them, or may release them to state and federal military agencies, other law enforcement agencies, or certain criminalistic laboratories, as specified.

This bill would authorize any law enforcement agency with custody of firearms, or parts of firearms, which are subject to destruction, in lieu of destroying the firearms, to obtain a superior court order directing the release of these firearms to the sheriff for release to certified law enforcement basic training academies for instructional purposes, as prescribed. It would also require the sheriff to enter a description of these weapons into a specified automated registration system, thereby imposing a state-mandated local program by increasing the level of service required of the sheriff. This bill would require these firearms, or parts of firearms, to be returned to the law enforcement agency which had original custody over the firearms when no longer needed by the basic training academy, or when the basic training academy is no longer certified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 769 (AB 3988) Papan. Elder and dependent adult abuse.

Existing law provides a married person a privilege not to testify against his or her spouse in any proceeding and a privilege not to disclose a confidential communication while the person and his or her spouse were married, with certain exceptions, including a criminal proceeding in which one spouse is charged with a crime against the person or property of the other spouse or of a child of either.

This bill would make the privilege inapplicable in criminal proceedings in which one spouse is charged with a crime against the person or property of the other spouse or of a child, parent, relative, or cohabitant of either.

Existing law specified that it is a crime to inflict unjustifiable physical pain or mental suffering on a dependent adult, as defined, or for a person having the custody and control of a dependent adult to steal or to embezzle the property of that dependent adult.

This bill would impose a state-mandated local program by including elders within the scope of that crime, and by revising the definition of dependent adult, thereby changing the applicability and definition of a crime.

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Existing law contains provisions requiring certain care custodians, medical practitioners, and employees of elder protective agencies who have knowledge of abuse of elders to report suspected incidents of abuse to an elder protective agency, and contains, until January 1, 1990, similar provisions for reporting suspected incidents of abuse of dependent adults to a county adult protective services agency or a local law enforcement agency.

This bill would repeal specified provisions relating to elder abuse reporting and revise the dependent adult program by deleting the language mandating its repeal on January 1, 1990, and by establishing a combined program establishing reporting requirements for both elders, as defined, and dependent adults, and would make technical changes to conform to the combined program.

The bill would impose a state-mandated local program by imposing, on a permanent basis, misdemeanor penalties upon any person who fails to report an instance of dependent adult abuse and by deleting the repeal of dependent adult abuse provisions, by imposing those reporting requirements on the local public conservator and public guardian.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 770 (AB 4345) Mojonnier. Mental health.

Existing law contains various provisions regarding mental health.

This bill would request the Regents of the University of California to submit a report to the Legislature relating to university programs for training specialists in the care and treatment of children and adolescents with mental and emotional problems, as specified.

This bill would authorize county mental health programs to use funds allocated under the Short-Doyle Act for the purposes of consultation and training to serve these children.

Ch. 771 (AB 4346) Johnson. Bail.

(1) Under existing law, all affidavits for the justification of bail are required to include, among other things, the legal description of the real estate owned by the bail

This bill would additionally require the affidavit for the justification for the bail to include the amount of the bail undertaking, a notice that the affidavit shall constitute a lien upon the real property described in the affidavit immediately upon the recordation of the affidavit with the county recorder, and the legal description of the real estate owned by the bail. The bill would also require the affidavit to be signed and acknowledged by the owner of the real property and would require the legal description of the real estate owned by the bail to include the assessor's parcel numbers.

(2) Existing law makes it the duty of the judge or magistrate to file with the county clerk all affidavits for the justification of bail, by delivering or mailing the affidavits to the county clerk within 24 hours after presenting them to him or her.

This bill would additionally authorize the certified copies of the affidavits involving equity in real property to be recorded with the county recorder. The bill would also provide that the affidavit shall constitute an attachment lien governed by specified provisions of existing law in the amount of the bail undertaking until exonerated, released, or otherwise discharged and that any release of the undertaking shall be effected by an order of the court, filed with the county clerk, with a certified copy of the order recorded in the office of the county recorder. The bill would also provide that if the bail is forfeited and summary judgment is entered, the lien shall have the force and effect of a judgment lien, by recordation of an abstract of judgment, which, may be enforced and satisfied pursuant to law.

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Ch. 772 (AB 4374) Stirling. Controlled substances.

Under existing law, there are no provisions which authorize nonprofit organizations established for the purposes of providing information to law enforcement agencies regarding the use, possession, sale, or manufacture of controlled substances to receive a portion of the proceeds derived from the seizure and forfeiture of these controlled substances.

This bill would provide that a portion, not to exceed 5%, of the proceeds subject to distribution pursuant to specified provisions of existing law and which are derived by a county from the seizures and forfeitures made pursuant to specified provisions of current law which have occurred as a result of information provided to law enforcement agencies by nonprofit organizations established for the purposes of aiding those seizures and forfeitures, may be allocated to eligible organizations for the purposes of funding the operations of these organizations. This bill would require that eligibility criteria and the amount of funds to be allocated under these provisions shall be determined by each county pursuant to county ordinance. This bill would provide, notwithstanding any other provision of law, that these provisions shall become operative in a county only if the board of supervisors adopts these provisions by ordinance.

Ch. 773 (AB 4379) Grisham. Dispensing opticians.

Existing law provides for the registration and regulation of dispensing opticians, including contact lens dispensers and provides that an application for registration as a dispensing optician shall contain specified information including, among other things, information relating to the experience of the person or persons who will manage the applicant's dispensing operations. The law requires the manager to have 5 years of experience or a combination of experience and education and specifies the method for verification of that experience requirement.

This bill would, on January 1, 1988, delete the requirement of registration for the manager and would instead require the applicant to designate the employee who will be responsible for handling customer inquiries and complaints.

The bill would, effective January 1, 1988, provide for the separate licensing and regulation of persons engaged in the fitting and adjusting of spectacle lenses. The bill would prohibit an individual from fitting and adjusting spectacle lenses on and after January 1, 1988, unless the individual is registered or is acting under the supervision of a registered individual. The bill would require an applicant for registration as a spectacle lens dispenser, among other things, to pass the American Board of Opticianry registry examination. The bill would exempt a person who has been approved as a manager from the examination requirement, provided the person applies for a certificate on or before December 31, 1989.

Existing law specifies the fees for dispensing opticians and contact lens dispensers.

This bill would, effective on January 1, 1988, revise those fees and would add a fee for replacement of a certificate.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Dispensing Opticians Fund. Because this bill would increase fees and would impose registration fees and thus increase the amount of moneys in the fund, it would constitute an appropriation.

A violation of any of the above provisions constitutes a misdemeanor, thus this bill would impose a state-mandated local program by adding new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 774 (AB 4396) Mojonmier. Trials. child abuse. two-way television.

(1) Existing law authorizes a 4-year pilot project, in specified counties, for the use of 2-way television to be used in arraignments and requires annual reports to the Legislative Analyst by each county conducting a project containing certain data, as specified.

This bill would authorize Stanislaus County to participate in the pilot project, as

specified.

(2) Existing law authorizes the examination by 2-way contemporaneous closed-circuit television of certain minors who testify with regard to alleged sexual offenses committed on or with the minor

This bill would specify that the cost of such examination shall be borne by the court out of its existing budget, thereby imposing a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Ch. 775 (AB 4217) Filante. Medi-Cal.

Existing law requires the State Director of Health Services to determine which of the permitted utilization controls shall be applied to specific services or groups of services and requires the director, after a determination of cost benefit, to eliminate the requirement of prior authorization as a control for treatment, supplies, or equipment which cost less than \$100, and authorizes the reinstitution of that requirement upon a specified finding of unnecessary utilization.

This bill would, instead, require the director to modify or eliminate the prior authorization control for any treatment, supplies, or equipment which costs less than \$100, except for prescribed drugs, which could be reinstituted upon a finding of unnecessary utilization. The bill would also authorize the revision of the \$100 review threshold, if indicated by cost-benefit analysis.

Ch. 776 (AB 4213) Filante. Veterinarians

Existing law provides for the acceptance of veterinarians and animal health technicians who are impaired by reason of drug or alcohol abuse in diversion treatment programs. The law provides that no more than 25 participants may be accepted in a diversion program

This bill would increase the participant limitation to 100 and would require the Board of Examiners in Veterinary Medicine to report on the diversion program, as specified, to the Senate Committee on Business and Professions and the Assembly Committee on Agriculture on or before March 1, 1989.

Ch. 777 (AB 4182) Bader. In-home supportive services

Existing law specifies that the continued absence of a recipient of public assistance from the state for a period of 60 days or longer, shall be prima facie evidence of the recipient's intent to change his or her residence to a place outside the state, thereby affecting his or her eligibility for public assistance, unless he or she is prevented by illness or other good cause from returning to the state at the end of 60 days

The bill would define good cause with regard to recipients of in-home supportive services. Since this could result in the retention of county-provided in-home supportive services for individuals who might not otherwise qualify for those services, this bill would result in a state-mandated local program.

Ch. 778 (AB 4158) Killea. Hazardous waste: California Pollution Control Financing Authority.

Under existing law, the funds in the Hazardous Waste Reduction Incentive Account are available, upon appropriation by the Legislature, to the California Pollution Control Financing Authority for the purpose of contracting with qualified financial institutions or agencies, as specified, to provide support for the granting of credit so that the authority can provide financial assistance, as specified, for projects for the acquisition, construction, or installation of equipment to recycle or treat hazardous wastes. Under existing law, \$2,600,000 is appropriated for these purposes

This bill would additionally authorize the financial assistance to be provided for

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projects which reduce hazardous waste at the source. The bill would require the financial assistance to include the costs of engineering studies for conceptual designs if the project is to be acquired, constructed, or installed by a small business. Since the funds appropriated for existing purposes would also be available for this new purpose, the bill would make an appropriation.

Ch 779 (AB 4419) Seastrand. Income taxes: gross income. exclusions: National Guard.

The existing Personal Income Tax Law incorporates certain federal income tax laws as amended through a fixed date concerning the exclusion from gross income of military combat pay, mustering-out pay, and certain reductions of military retirement pay. It also has provisions excluding up to \$1,000 for armed forces active duty pay, military pension retirement pay, and reserve pay.

This bill would additionally exclude from gross income compensation and allowances, as specified, received for active duty service as a member in the California National Guard or State Military Reserve for any month during any part of which that member either served pursuant to a declaration of emergency by the Governor in accordance with specific statutes, or was hospitalized as a result of wounds, disease, or injury incurred while serving under that declaration of emergency.

This bill would take effect immediately as a tax levy

Ch. 780 (AB 3647) Farr. City streets: permanent road divisions.

(1) Existing law prescribes procedures, initiated by petition, for the formation of permanent road divisions within a county, and for the levy of a special tax and the issuance of bonds therefor.

This bill would make that authority and those procedures applicable for the formation of permanent road divisions within a city, thereby imposing a state-mandated local program. The bill would define the terms "acquire" and "maintenance" for purposes of provisions governing the construction and maintenance of city streets by a city or by a permanent road division formed pursuant to the bill. The bill would also authorize a city to consent to the inclusion of city streets within a permanent road division formed by a county.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 781 (AB 3267) Eaves. Insurance: agents and brokers.

Existing law does not contain special limitations on the ability of an insurer to cease or refuse to do business with a particular agent or broker.

This bill would, with certain exceptions, require an insurer to give an agent 120 days' notice prior to terminating or amending a written agency agreement with the agent if the agency contract has been in effect for at least one year.

This bill would provide that the rights, duties, and obligations of the agency contract of an agent having property rights in renewals continues as to policies in force or renewed until the policies are canceled, placed with another insurer, or expire. The agency contract would continue to govern the agent and insurer relationship except that the agent is not authorized to bind new risks on behalf of the insurer or otherwise increase the obligation of the insurer without express approval or in accordance with the existing policy.

If a terminated agent is unable to place existing policies, as specified, this bill would require an insurer, at the agent's request, to renew any insurance contract written by the agent for the insurer for the shorter of one policy term or one year.

An insurer would not be required to renew a policy of insurance under specified circumstances including when the agent is no longer agent of record with respect to the policy; the agent has died or become unable to conduct his or her business affairs, or the Insurance Commissioner has made certain findings. This bill would provide that these

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provisions are not applicable to a life insurer, an agent of a life insurer, an agent who is an employee of an insurer, an agent who, by contractual agreement, represents only one insurer or group of affiliated insurers, or to an agent who is required by contract to submit risks to a specified insurer or group of affiliated insurers prior to submitting them to other insurers

This bill would apply only to agency contracts becoming effective on or after the effective date of this bill.

Ch. 782 (AB 2964) Kelley Pesticide residues. laboratories.

Existing law authorizes the Director of Food and Agriculture to inspect and take samples of any produce grown, processed, packed, stored, shipped, transported, delivered for shipment, or sold as part of enforcing statutes and regulations regarding pesticide tolerances

This bill would authorize the director to accredit a commercial laboratory to test produce or environmental samples for regulatory pesticide residue purposes under specified conditions. The bill would authorize the director to charge a fee to cover the costs of carrying out the accreditation process and quality control oversight.

The bill would also authorize the director to refuse to accredit or to suspend an accreditation under specified circumstances, and would specify an appeals process in the event of a dispute between or among the findings of 2 or more accredited laboratories or between an accredited laboratory and a laboratory of the Department of Food and Agriculture.

Ch. 783 (AB 2625) McAlister Decedents' estates

(1) Existing law contains special provisions for transfer without administration of property in decedents' estates, including provisions for (a) collection of personal property by affidavit in estates not exceeding \$60,000, excluding certain items, with not over \$10,000 in real property in this state, (b) judicial action setting aside estates not over \$20,000, excluding any probate homestead, to the surviving spouse or minor children of the decedent, (c) passage of property to the surviving spouse of the decedent without administration, and (d) judicial action to confirm a surviving spouses community property interests.

This bill would repeal these provisions. The bill would enact substantially revised provisions for judicial action setting aside an estate not over \$20,000 (excluding any probate homestead) to the decedent's spouse or minor children.

The bill would also enact other substantially revised procedures for disposition of estates without administration, including new provisions for collection or transfer of personal property by affidavit or declaration, which would not be subject to the existing qualification that the decedent's real property in this state not exceed \$10,000

The bill would enact provisions authorizing determination of succession to real property without administration, where the decedent's estate does not exceed \$60,000.

The bill would enact a special affidavit procedure for establishing title to real property where the gross value of all real property in the estate, with certain exclusions, does not exceed \$10,000. The bill would require the Judicial Council to prescribe an affidavit form for this purpose.

The bill would enact revised provisions for passage of property to the surviving spouse and would permit the surviving spouse to transfer or encumber specified real property 40 days after the decedent's death. The bill would enact consolidated provisions specifying the personal liability of surviving spouses receiving property of the decedent without administration for the debts of the decedent.

The bill would establish special procedures for collection by affidavit, by or on behalf of a surviving spouse, of compensation owed to decedent up to \$5,000 net

The bill would enact revised provisions for determination or confirmation of property passing to the surviving spouse.

(2) Existing law authorizes transfer by the Department of Housing and Community Development, without administration of a decedent's interest in a manufactured home, mobilehome, commercial coach, or truck camper registered with the department.

This bill would revise the documentation required for such a transfer, require 40 days

to have elapsed since the decedent's death, and make technical conforming changes. The bill would make similar technical conforming changes in existing provisions authorizing transfer without administration of registered vehicles and vessels.

(3) Under existing law, the holder of an option to purchase real or personal property under a will admitted to probate may petition the court to permit the estate's representative to transfer or convey the property upon compliance with the terms and conditions stated in the will.

This bill would revise the notice requirements applicable to these proceedings and various other proceedings and the time within which such a petition must be filed. The bill would authorize distribution of property subject to future exercise of such an option if the option is exercisable under the terms of the will after the time otherwise required to close the estate. The bill would specify a one-year time limit for exercising these options where the will does not specify a time limit. The bill would also delete obsolete requirements pertaining to inheritance taxes.

(4) Existing law on guardianship and conservatorship defines "account in an insured savings and loan association" for purposes of those provisions.

This bill would revise that definition.

(5) Existing law contains provisions for proration of estate taxes among persons receiving property or benefits from a decedent's estate.

This bill would repeal and enact substantially revised provisions for proration of estate taxes, with changes, among other things, in the time proration is authorized, authorization for proration without a court order, and changes in the proration formula. The bill also contains provisions for proration of generation-skipping transfer taxes. The bill would authorize a special judicial action for reimbursement for payment of a portion of these taxes allocated to another. The bill would require proration of these taxes in the same manner as under federal law, if federal law directs the manner of proration.

(6) Except with respect to provisions on proration of taxes, which would become operative January 1, 1987, the bill would become operative July 1, 1987, but would authorize the Judicial Council to adopt forms, and the courts to adopt rules, for implementation of the act prior to July 1, 1987.

(7) This bill would provide that its provision amending Section 605 of the Probate Code shall not become operative if AB 2896 is chaptered, amends Section 605 of the Probate Code, and becomes effective on or before January 1, 1987.

(8) This bill would incorporate additional changes in Section 1200.5 of the Probate Code, proposed by AB 2652, to be operative only if AB 2652 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch 784 (AB 2595) Robinson. Local agency investments

Existing law specifies various types of securities and obligations in which the surplus funds of a local agency or funds in its custody may be invested.

This bill would add medium-term corporate notes and shares of beneficial interest meeting specified conditions and issued by certain diversified management companies to these authorized securities and obligations. The bill would also provide that, with respect to surplus funds, notwithstanding any provision of law, moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other instruments may be invested in accordance with the laws and other conditions providing for their issuance.

Existing law provides that money in the custody of a local agency shall be deposited for safekeeping in specified financial institutions including state or federal associations. That money may be invested in specified instruments, including negotiable certificates of deposit issued by a state or federal association.

This bill would require deposit in savings associations or federal associations or credit unions instead of state or federal associations, and would permit investment in negotiable certificates of deposit issued by a savings association or federal association or a state or federal credit union under specified conditions, instead of negotiable certificates of deposit issued by a state or federal association.

This bill would incorporate changes in Sections 53601 and 53635 of the Government Code proposed by SB 2115 to be operative only if both bills are chaptered on or before

January 1, 1987, and this bill is chaptered after SB 2115.

Ch. 785 (AB 1034) Connelly. Contracts attorney's fees and costs real estate agency.

(1) Existing law provides that in an action on a contract, if the contract provides for an award of attorney's fees and costs to a party, then the prevailing party shall be entitled to attorney's fees and costs. Existing law provides that if a defendant alleges that he or she has tendered the full amount due and deposits in the court that amount and the allegation is found true, then the defendant shall be deemed to be a prevailing party.

This bill would permit a court to order the deposit of that amount in an insured, interest-bearing account, as specified.

(2) Nothing in existing law requires real estate licensees to make general informational disclosures concerning agency relationships in real estate or mobilehome transactions.

This bill would, on and after January 1, 1988, require persons acting as listing and selling agents, as defined, to provide sellers and buyers with a disclosure form, as prescribed, containing general information on agency relationships in specified residential real property transactions. These requirements would be applicable to transactions involving sale or exchange of certain estates of inheritance or perpetual estates, life estates, and leaseholds exceeding one year's duration in residential real property constituting or improved with 1 to 4 dwelling units or involving sale or exchange of mobilehomes through a real estate licensee.

(3) Nothing in existing law requires the contract of the parties to these transactions to contain any acknowledgment concerning the role of real estate licensees in the transaction.

This bill, on and after January 1, 1988, would require contracts in these transactions to specify (a) whether the listing agent represents the seller exclusively or both the buyer and seller and (b) whether the selling agent represents the buyer exclusively, the seller exclusively, or both the buyer and seller.

(4) Under existing law, the relation of principal and agent may be created without any payment or other consideration.

This bill would specify, with respect to transactions covered by the bill, that neither the payment of compensation nor the obligation of a buyer or seller to pay compensation to a real estate agent is necessarily determinative of a particular agency relationship. The bill would specify that associate real estate licensees are agents of the real estate agent and when an associate real estate licensee owes a duty to any principal or to any buyer or seller who is not a principal, that duty is equivalent to the duty owed to that party by the broker for whom the associate licensee functions.

These provisions of the bill would become operative January 1, 1988.

(5) Under existing judicial decisions, a real estate broker must refrain from dual representation in a sales transaction unless the agent obtains the consent of both principals after full disclosure. Existing judicial decisions have also stated the rule that such a dual agency relationship is permitted with the full knowledge and consent of the parties.

This bill would, with respect to transactions covered by the bill, expressly preclude such a dual agent from disclosing specified price information to the other party to the transaction without consent, but would not affect existing law as to disclosure of other confidential information. The bill would specify that a listing agent is not a dual agent solely by reason of being the selling agent, and would expressly preclude a listing agent from acting as an agent for the buyer only. The bill would also permit real estate brokers to enter into forms of agency relationships not either described or prohibited by the bill if certain disclosures are made.

These provisions of the bill would become operative January 1, 1988.

(6) Under existing law, an agency relationship may be created and powers conferred upon an agent by precedent authorization or subsequent ratification. Existing law requires any agreement to pay a real estate broker a commission for procuring a buyer or seller of real estate or for procuring a lessor or lessee, where the lease is for longer than a year, to be in writing. Under existing law, with certain exceptions, such a contract can only be modified by written agreement of the parties.

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This bill, on and after January 1, 1988, would, with respect to transactions covered by the bill, specifically authorize contracts between principal and agent to be modified to change the agency relationship, before performance of the act that is the object of the agency, by the written consent of the parties to the agency relationship

(7) Existing law imposes various obligations upon agents in general and real estate licensees in particular

This bill would specify that it shall not be construed to diminish any duty of disclosure owed by real estate agents and their subagents, associate licensees, and employees to buyers and sellers or to relieve them of liability for conduct in connection with acts governed by the bill or breaches of fiduciary duty or of any duty of disclosure.

Ch. 786 (AB 1887) Chacon. Community college students: Transfer Student Assistance Task Force

Existing law establishes the Community College Extended Opportunity Programs and Services, for the purpose of assisting community college students affected by language, social, and economic handicaps to achieve their educational objectives, including, among other purposes, transferring to 4-year educational institutions.

This bill, in addition, would establish the Transfer Student Assistance Task Force, comprised of representatives, as specified, to study the feasibility of increasing the enrollment and attendance in public universities of financially needy community college transfer students by extending preenrollment advances of financial aid to these students to finance expense incurred in moving from a community college to a campus of the California State University or the University of California.

This bill would require the task force, on or before July 1, 1987, to develop a preliminary report of a detailed plan for preenrollment advances of financial aid, as specified, and to distribute this report, as specified. This bill would require the task force to prepare and distribute a final report on or before January 1, 1988, to those who received the preliminary report and to every member of the Senate and the Assembly. This bill would provide that the task force shall remain in effect until a date 30 days after the distribution of the final report.

This bill would also require the cost of administering the task force to be borne by the entity represented by the task force

This bill would provide that it would not apply to the University of California unless the Regents of the University of California adopts a resolution to that effect

Ch. 787 (AB 1814) O'Connell State park systems operating agreements

Existing law authorizes the Department of Parks and Recreation to enter into an agreement with any agency of the United States, any city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control of lands for the state park system.

This bill would authorize the department, in addition, to enter into an agreement for specified purposes with a nonprofit organization for El Presidio de Santa Barbara State Historic Park, as specified.

The bill would require the department to notify each Member of the Legislature in whose district El Presidio de Santa Barbara State Historic Park is located if it intends to enter into an operating agreement under the bill

Ch. 788 (AB 2728) Floyd Unemployment compensation disability benefits: drug and alcohol rehabilitation programs.

Existing law provides that an individual is eligible for unemployment compensation disability benefits if being medically treated for acute alcoholism or acute drug-induced illness or if a resident in an alcoholic recovery home or a drug-free residential facility which has been certified or reviewed by the State Department of Alcohol and Drug Programs.

This bill would, in addition, provide that an individual is eligible for these benefits if enrolled in a drug or alcohol rehabilitation program in another state which has been licensed by or has satisfied a program review by the state in which the facility is located.

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Ch. 789 (AB 2740) Cortese. Subdivisions: notaries public.

(1) Under the existing Subdivision Map Act, a certificate, signed and acknowledged by all parties having any record title interest in the subdivided real property, consenting to the preparation and recordation of a final map is required, except in specified cases.

This bill would specify that the acknowledgment of a notary public shall be deemed complete without the official seal of the notary, so long as the name of the notary, the county of the notary's principal place of business, and the notary's commission expiration date are typed or printed below the notary's signature in the acknowledgment.

(2) Under the Subdivision Map Act, various filing dates are prescribed for delivery of documents

This bill would revise certain of these dates by authorizing delivery of documents to a county surveyor or city engineer, and by deleting a requirement that a map shall be deemed filed with the legislative body on the date it is received by the clerk and providing that the meeting at which the legislative body receives a map shall be the date on which the clerk receives the map. It would also specify times for acting on extensions for approved or conditionally approved tentative maps. These extensions of time would constitute state-mandated local programs.

(3) Under the existing Subdivision Map Act, it is provided that a local agency may require, as a condition for a tentative, parcel, or final map application or approval, that the subdivider defend, indemnify, or hold harmless the local agency or its agents, officers, or employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within a specified time.

This bill would require a local agency to participate in the defense and to meet other specified requirements

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 790 (AB 2950) Klehs. Aircraft

Under existing law, it is a felony to willfully and maliciously discharge a firearm at an aircraft, whether parked, in motion, or in flight, and whether occupied or unoccupied.

This bill would, additionally, make it either a misdemeanor or a felony to discharge a laser, as defined, at an aircraft, whether in motion or in flight, while occupied, thus creating a state-mandated local program by creating a new crime. This provision would not apply to the conduct of laser development activity by or on behalf of the United States Armed Forces

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 791 (AB 2886) Isenberg. Pilots for San Francisco, San Pablo, and Suisun Bays

(1) Existing law prescribes the pilotage rates for the Bays of San Francisco, San Pablo, and Suisun, specifying, among other charges, a charge of 22.50 mills per high gross registered ton

This bill would increase that charge to 28.95 mills

(2) Existing law provides for a unified system of pilotage for the Bays of San Francisco, San Pablo, and Suisun, under the jurisdiction and control of the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays and requires all pilots to be licensed

by the board in accordance with prescribed requirements.

This bill would require the board to complete a manpower study to determine the number of pilots to be licensed and would require the number of licensed pilots to be adjusted, as prescribed, in accordance with that determination. The bill would also require the mill rate for bar pilotage charged pursuant to specified provisions to be adjusted, as prescribed, in accordance with that determination.

The bill would also establish, in addition to other fees for pilotage, a surcharge for each vessel movement using pilot services of \$2.50 for each pilot trainee enrolled in the pilot training program, and would authorize the board to adjust that amount in order to efficiently administer the training program.

The bill would make an appropriation since a percentage of the pilotage fees and the surcharge would be deposited in the Board of Pilot Commissioners' Special Fund, which is a continuously appropriated fund.

Ch. 792 (AB 1985) N. Waters. Child sexual abuse: judicial training.

Under existing law, there are no provisions which provide for the establishment and implementation of training programs for the judicial branch of government regarding the handling of judicial proceedings involving the victims of child sexual abuse.

This bill would require the Judicial Council, from funds appropriated for that purpose, to establish and maintain an ongoing program to provide training for the judicial branch of government on the handling of child sexual abuse cases, and would require the Secretary of the Judicial Council to submit a report thereon to the Legislature on or before January 1, 1988, as specified.

This bill would specify the legislative intent that funding necessary for the implementation of these training programs be included in the Budget Act for each fiscal year.

Ch. 793 (AB 2733) Bane. Unemployment insurance: employment.

Existing law specifies what employment is covered under the unemployment insurance law, and defines employer and employee for those purposes.

This bill would provide that whether an individual or entity is the employer of specific employees shall be determined by common law rules applicable in determining the employer-employee relationship, except as specifically provided.

This bill would provide that if an individual or entity contracts to supply an employee to perform services for a customer or client, and is a leasing employer, as defined, or a temporary services employer, as defined, the individual or entity is the employer of the employee who performs the services, but if the individual or entity is not a leasing employer or a temporary services employer, the client or customer is the employer of the employee who performs the services.

This bill would provide that where an employee is loaned from one employer to another, and direction and control of the manner and means of performing the services changes to the employer to whom the employee is loaned, the employer who pays remuneration to the employee is the employer for the purposes of that remuneration.

This bill would also provide that if the Director of Employment Development determines that an individual or entity that is reporting employee wages is not the correct employer of the employees whose wages are reported, the director shall determine the correct employer and apply the unemployment insurance law to the correct employer pursuant to specified procedures.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 794 (AB 2680) Moore. Highway common carriers: highway permit carriers.

(1) Existing law prohibits the operation of a motor vehicle by a common carrier for the transportation of property for compensation on the highways without a certificate of public convenience and necessity issued by the Public Utilities Commission, except that no certificate is required for a highway common carrier operating, as specified, on July 26, 1917. The commission may suspend, revoke, alter, or amend an operating right acquired on or before July 29, 1927, or the certificate, or impose a fine, at any time, for good cause.

This bill would prohibit the issuance of a certificate unless the applicant certifies that

it will maintain its vehicles in safe operating condition and in compliance with the Vehicle Code and motor vehicle safety regulations. The bill would also define "good cause" for the purpose of the suspension, revocation, alteration, or amendment of a certificate, or the imposition of a fine, as including a holder's consistent failure to maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and motor vehicle safety regulations. The bill would also delete the exemption of highway common carriers which were operating, as specified, on July 26, 1917, from the requirement of having a certificate of public convenience and necessity.

Under other provisions of law, a violation of these requirements would be a crime, thereby imposing a state-mandated local program

(2) Under the Highway Carriers' Act, the commission regulates the rates and charges, methods of operation, and conditions of service of highway carriers operating for compensation in this state. The commission is authorized to cancel, revoke, or suspend the permit of a highway carrier upon specified grounds.

This bill would prohibit the commission from issuing a permit to a highway carrier unless the applicant certifies that it is able and willing to maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and motor vehicle safety regulations. The bill would additionally include, as grounds for the cancellation, revocation, or suspension of a permit, the carrier's consistent failure to maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and motor vehicle safety regulations. Under other provisions, a violation of these requirements would be a crime, thereby imposing a state-mandated local program.

(3) Under existing law, the commission may, at any time for good cause, suspend the operating right or certificate of a passenger stage corporation

This bill would provide that "good cause" includes a consistent failure to maintain vehicles in a specified manner. Under other provisions, a violation of these requirements would be a crime, thereby imposing a state-mandated local program

(4) Under existing law, charter-party carriers of passengers are required by the commission to establish reasonable fitness and financial responsibility to initiate and conduct transportation services.

This bill would require the commission to obtain a certification that the carrier will maintain its vehicles in a safe operating condition. Under other provisions, a violation of these requirements would be a crime, thereby imposing a state-mandated local program.

(5) Under existing law, the commission may cancel, revoke, or suspend a certificate or permit of a charter-party carrier of passengers for specified grounds

This bill would include failure to maintain vehicles in a safe operating condition as shown by specified records as a ground for cancellation, revocation, or suspension. Under other provisions, a violation of these requirements would be a crime, thereby imposing a state-mandated local program.

(6) The bill would state the intent of the Legislature that the Department of the California Highway Patrol assist in the enforcement of the provisions of the bill by filing with the commission complaints for suspension or revocation of a carrier's certificate or permit for violations under the bill, and that the commission expeditiously process these complaints. The bill would also confirm the existing authority of the department as the primary agency responsible for motor vehicle safety enforcement.

(7) This bill would incorporate additional changes in Section 1063 of the Public Utilities Code made by Assembly Bill No. 3212 (Ch. 339; Stats. 1986).

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 795 (AB 2461) Condit In-home supportive services employees.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own

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homes.

This bill would specify that any public or private agency, including a contractor under contract with a county to provide in-home supportive services, who maintains a list or registry of prospective in-home supportive services providers, to require proof of identification from a prospective provider prior to placing the prospective provider on a list or registry or supplying a name from the list or registry to an applicant for, or recipient of, in-home supportive services.

Since the bill would require each county to perform administrative functions in carrying out the bill, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund . . .

Ch. 796 (AB 3859) Calderon. Loans: charges and required insurance.

Existing provisions of the Personal Property Brokers Law and the Consumer Finance Lenders Law define and regulate "charges" that may be assessed a borrower in connection with a loan made by licensees thereunder.

This bill would exclude from "charges," for purposes of these provisions, moneys paid to, and commissions and benefits received by, these licensees from the sale of goods, services, or insurance sold to borrowers by another business of the licensee at the same location, if the other business is approved by the Commissioner of Corporations at the licensee's licensed location and the buyer acknowledges in writing that the purchase is optional.

Ch. 797 (AB 3299) Vasconcellos. Transportation: highway projects: advance.

Under existing law, the California Transportation Commission and the Department of Transportation are required to program, budget, and expend funds in the State Highway Account in the State Transportation Fund in accordance with a specified sequence of priorities. The state transportation improvement program lists projects to be funded from the account for a 5-year period in accordance with those priorities.

This bill would allow a local jurisdiction, with the concurrence of the appropriate transportation planning agency, the commission, and the department, to advance a project included in the state transportation improvement program to an earlier fiscal year through the use of its own funds, and would require the state transportation improvement program to be revised accordingly.

The bill would allow, with the concurrence of the appropriate transportation planning agency, the commission, and the department, an advanced project to be replaced in the state transportation improvement program at the originally scheduled fiscal year and at the equivalent escalated dollar value of the advanced project, and would require that a replacement project or projects have no lower priority for funding or delivery than the advanced project, as originally scheduled. The bill would require that if a project to be advanced is programmed with federal funds, the replacement project shall not result in an increase in state matching funds.

Ch. 798 (AB 4030) Condit. Youth.

Existing law establishes the Department of the Youth Authority and prescribes its powers and duties.

This bill would require the department to conduct a statewide survey relative to delinquency prevention efforts focusing on youthful offenders, as specified, and to use the data developed from the survey as the basis for a designated workshop.

This bill also would prohibit a court from ordering the placement of a minor adjudged a ward of the juvenile court in a private residential facility or program providing 24-hour supervision, in any state, unless the facility or program is licensed or operates and is

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inspected, as specified. It would require such an order of placement to contain a finding as to the licensure of the facility or program and require an annual review by the court of the licensure of the facility or program

Ch 799 (AB 1234) McAlister. Employment Development Department: automation.

Existing law requires the Employment Development Department to administer the unemployment compensation and disability benefit programs, as well as numerous employment and training programs.

Existing law requires the Director of Employment Development to prepare an annual report on the comprehensive automation of the Employment Development Department and to provide it to the Legislative Analyst, specified legislative committees, the Department of Finance, and the Governor on August 31st of each year. Twenty days prior to the release of the report, the director is required to submit it to the State Office of Information Technology for review and comments. The comments are attached to the report by the director and distributed with it.

This bill would instead require the director to prepare an annual report on or before February 1, 1987, and on or before February 1 of each year thereafter, on the department's automation efforts, including any recommendations on improvements for the purpose of consideration by both policy and fiscal committees of the Legislature, and to provide it to the Legislative Analyst, specified legislative committees, the Department of Finance, and the Governor. Forty-five days, rather than 20 days, prior to the release of the report, the director would be required to submit it to the Office of Information Technology in the Department of Finance for review and comments. The comments would be attached to the report by the director and distributed with it.

The bill would take effect immediately as an urgency statute

Ch. 800 (AB 4324) N. Waters Dairy products: standards

(1) Existing law specifies the contents and processing standards for various specified dairy products.

This bill would prescribe contents requirements for light dairy dessert and contents, processing, and labeling standards for fromage frais or soft fresh cheese, lowfat fromage frais or lowfat soft fresh cheese, nonfat fromage frais or nonfat soft fresh cheese, and bulky flavored fromage frais or bulky soft fresh cheese. The provisions relating to the contents of light dairy dessert would be repealed on January 1, 1988.

The bill would impose a state-mandated local program since a violation of the standards and requirements would be a misdemeanor under other provisions of law.

(2) Existing law prohibits, with respect to class 1 dairy milk products other than yogurts, the issuance of coupons to be redeemed in their retail sale or an allowance to a wholesale customer for advertising.

This bill would exclude from the prohibition fromage frais or soft fresh cheese, lowfat fromage frais or lowfat soft fresh cheese, and nonfat fromage frais or nonfat soft fresh cheese, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 801 (AB 3688) Elder. Medi-Cal fiscal intermediary contract.

Under existing law, the State Department of Health Services is permitted to enter into fiscal intermediary contracts for the processing of provider claims under the Medi-Cal program.

Pursuant to this authority, the State Department of Health Services has entered into a fiscal intermediary contract with Computer Sciences Corporation.

This bill would express the intent of the Legislature that the Director of Health Services engage in systematic consultation with all major Medi-Cal provider organiza-

tions, as determined by the director, in the preparation and development of the request for proposal for a new contract for the provision of fiscal intermediary services.

Ch. 802 (AB 3194) Moore Sentencing

Existing law specifies that a person who, knowingly, willfully, and with intent to defraud a person providing telephone or telegraph services, avoids or attempts to avoid, or aids, abets, or causes another to avoid the lawful charge, in whole or in part, for telephone or telegraph service, as specified, is guilty of a misdemeanor.

Existing law provides that any person who (1) makes, possesses, sells, gives, or otherwise transfers to another or offers or advertises an instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message, or (2) who sells, gives, or otherwise transfers to another or offers or advertises plans or instructions for making or assembling an instrument, apparatus, or device described above with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus, or device, is guilty of a misdemeanor.

Existing law specifies that if the total value of all telephone or telegraph services obtained in violation of the above provisions aggregates over \$400 within any period of 12 consecutive months during the 3 years immediately prior to the time the indictment is found or the case is certified, or if the defendant has previously been convicted of an offense under these provisions, as specified, that person is guilty of an offense punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding \$10,000, or both such fine and imprisonment.

This bill would specify that the prior offenses are those where a defendant has been previously convicted of an offense in excess of \$400 in this state or another state, and provide that all those offenses be either misdemeanor or felony offenses punishable by imprisonment in the county jail, by a fine not exceeding \$1,000, or both, or by imprisonment in the state prison, by a fine not exceeding \$10,000, or both.

Ch 803 (AB 2776) Bane. Investments transit agencies

Existing law specifies the investments that may be made by local agencies with surplus funds, and until January 1, 1987, specifically permits the Southern California Rapid Transit District and the San Diego Transit Corporation to purchase or sell futures contracts in heating oil on the New York Mercantile Exchange.

This bill would authorize the Southern California Rapid Transit District to also purchase and sell futures contracts in crude oil and gasoline, would extend, until January 1, 1989, the January 1, 1987, termination date of the existing authority for that district to invest in heating oil futures, and would delete authority of the San Diego Transit Corporation to invest in heating oil futures.

Ch 804 (AB 3025) Floyd Alcoholic beverages

Existing law prohibits a manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any of those persons from having specified relationships with an on-sale alcoholic beverage licensee with limited exceptions, including an exception with respect to specified relationships between those persons and a holder of an on-sale license for boats, trans, sleeping cars, or airplanes where the alcoholic beverages produced or sold by those enumerated persons are not sold, furnished, or given, directly or indirectly, to the on-sale licensee.

This bill would provide that the existing prohibitions shall not prohibit the issuance or transfer of any retail on-sale general license to any person with respect to passenger cruise ships or lines owned by, or operated by or on behalf of, the licensee, notwithstanding that a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler holds the ownership of any interest, directly or indirectly, in the cruise ships or lines, or in the retail licensee, subject to specified conditions. The bill would also state certain legislative findings.

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Ch 805 (AB 3920) Roos Unlawful detainer.

Existing statutory provisions do not expressly specify who shall be the prevailing party in an unlawful detainer action for possession of residential premises, where the landlord has breached statutory or warranty obligations respecting habitability of the premises.

This bill would make the tenant the prevailing party in an unlawful detainer action if (1) the tenant raises as an affirmative defense, and the court determines, that the landlord has committed a substantial breach of the landlord's statutory obligations respecting habitability or the implied warranty of habitability and (2) the tenant pays the reasonable rental value of the premises up to the date of trial, as determined by the court. If the tenant fails to pay this reduced rent within a reasonable time not exceeding 5 days or as specified, the court would be required to enter judgment in favor of the landlord

Ch 806 (AB 2704) Molina. Mental health Short-Doyle Act county mental health programs.

Existing law requires that case management systems be developed by counties in accordance with prescribed principles and guidelines for target populations with high hospital readmissions. It does not now specifically authorize these services to be provided to children with serious emotional disturbance.

This bill would provide that, on and after January 1, 1987, any county may provide case management services for children with serious emotional disturbance, as defined. It would authorize an individual treatment plan to be prepared by various specified persons and include prescribed matters

The bill would also authorize the mental health program to assign a mental health case manager who would be responsible for specified duties

This bill would also provide that its provisions shall not be construed to authorize the use of state funds to provide service under its provisions or to enforce its provisions

Ch 807 (AB 3083) Costa. Water small hydroelectric projects

Under existing law, the State Water Resources Control Board, when considering the economic feasibility of a proposed small hydroelectric power generating facility with a nameplate capacity of at least 100 kilowatts, which is a "qualifying small power production facility" under Section 210 of the Public Utilities Regulatory Policies Act of 1978, and which is not on an existing dam, diversion, or canal, is required to make specified findings in the water right application proceedings.

This bill would delete that requirement, but would require the applicant for hydroelectric power generating facilities to demonstrate that project revenues will exceed project costs, including the cost of mitigation measures over the life of the project.

Ch 808 (AB 3450) O'Connell. Medical contracts.

Existing law requires the State Department of Health Services to develop a health plan as specified to provide services to the underserved

This bill would permit the department to enter into contracts, as specified, of up to a 3-year duration, with specified clinics to provide these services

This bill would require the department to report to the Legislative Analyst, prior to January 1, 1990, the associated cost savings

Ch. 809 (AB 3453) O'Connell. Local government: new cities

Existing law relating to the reorganization of a city prescribes the procedures to be followed by the local agency formation commission. Among other things, the commission after the hearing on the report and recommendation of the reorganization committee is required to adopt a resolution making determinations approving or disapproving the proposal, the plan of reorganization or any alternative plan of reorganization as set forth in the report and recommendation.

This bill would require that, if the commission approves a proposal which includes the incorporation of a city, upon the incorporation applicant's request, the resolution making the determinations specify that the first election of city officers is to be held after the election on the incorporation proposal.

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Existing law specifies that the proper expenses incurred in conducting elections for a change of organization or reorganization of local government, in the case of incorporation or formation proceedings, shall be paid by the newly incorporated city or newly formed district.

This bill would specify that those expenses for a separate election of city officers following the election for incorporation shall be paid by the newly incorporated city.

Existing law requires that any resolution of a conducting agency, which is the legislative body of the local agency affected by the change in organization or reorganization, ordering an incorporation subject to an election shall, among other things, provide for the election of officers of the proposed city.

This bill would require the resolution to provide for the election of officers of the proposed city at the same time or after the election on incorporation.

Existing law provides that the resolution of the conducting authority confirming the election results for an order of incorporation or consolidation of cities shall, among other things, declare the persons receiving the highest number of votes for the several offices to be those elected to those offices.

This bill would require that, if the incorporation applicant requested that the first election for city officers was to occur after the election on the proposal which included incorporation, the resolution call an election at which city officers shall be elected.

Existing law provides that if the first general municipal election following an incorporation election will occur less than one year after the incorporation election all of the city council members elected at the incorporation election shall hold office until the second general municipal election.

This bill would provide that if the first election for city council members was held after the incorporation election the term "incorporation election" means the first election for city council members.

This bill would specifically make its provisions applicable to incorporation proceedings of a city pending on January 1, 1986.

This bill would impose a state-mandated local program by adding new requirements on resolutions adopted by the local agency formation commission on incorporations and elections of city officers.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 810 (AB 3713) Elder. Health planning.

Existing law requires the Office of Statewide Health Planning and Development to report to the Governor and Legislature in even-numbered years, commencing January 1, 1986, on health care services in California.

This bill would, instead, require the office to annually prepare and submit to the Governor and to the Legislature a State Health Plan meeting certain prescribed criteria. Compliance with this requirement would be deemed compliance with certain existing office requirements pertaining to the preparation of a Health Manpower Plan for California.

Ch. 811 (AB 3998) Sher. Forest practices.

Existing law requires the Director of Forestry to report annually to the State Board of Forestry and the Legislature on the enforcement and penalties applied under the Z'berg-Nejedly Forest Practice Act of 1973.

This bill would require the report by January 1 of each year and require the report to identify all property where persons cited for violations requiring corrective action by

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the Department of Forestry, the corrective action taken, and whether expenses incurred have been reimbursed by the responsible party.

Ch. 812 (AB 3708) Peace. Advertising winning or receiving gifts.

Existing law makes it unlawful for any person, as a part of an advertising plan or scheme, to notify a person that he or she has won a prize or will receive a gift and as a condition of receiving the prize or gift he or she must purchase or rent any goods or services. A violation of this provision is a misdemeanor.

This bill would delete any reference to the receiving of a gift in this provision and would revise the provision to [provide that this prohibition is only applicable with respect to the receiving of a gift under specified conditions. The bill would, in addition,] make it unlawful for any person to use the term "prize" or "gift" in any manner that would be untrue or misleading, as specified. Thus, this bill would impose a state-mandated local program by creating a new crime.

This bill would declare that it does not constitute a change in, but is declaratory of, the existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 813 (AB 3581) Papan Loans. credit, life, disability, and loss-of-income insurance.

(1) Under existing law, industrial loan companies, personal property brokers, and consumer finance lenders are authorized to provide credit life and disability insurance in connection with loans made by them.

The bill would authorize industrial loan companies, personal property brokers, and consumer finance lenders to also provide credit loss-of-income insurance to borrowers under prescribed conditions. The bill would also define "credit insurance," "credit life insurance," "credit disability insurance," and "credit loss-of-income insurance" for purposes of the Industrial Loan Law, the Personal Property Brokers Law, and the Consumer Finance Lenders Law.

(2) Existing provisions of the Financial Code require the Insurance Commissioner to adopt regulations establishing maximum premium rates that may be charged for credit life and credit disability insurance sold by industrial loan companies, personal property brokers, and consumer finance lenders. Other provisions added to the Insurance Code and effective January 1, 1986, reserve to the Legislature the power to regulate premium rates for, and compensation derived from, the sale of credit life or credit disability insurance on and after January 1, 1985, and fix these maximum rates at the maximum rates in effect in the Insurance Commissioner's regulations as of March 5, 1985, but permit the commissioner to increase these maximum premium rates to provide an adequate margin for reasonable expenses, profits, and reserves.

This bill would repeal the above-described provisions of the Financial Code that direct the Insurance Commissioner to establish maximum premium rates for credit life and credit disability insurance sold by industrial loan companies, personal property brokers, and consumer finance lenders. The bill would make related changes.

Ch 814 (AB 3364) Peace. Public Utilities Commission: inspection of books and records.

(1) Under existing law, information furnished to the Public Utilities Commission by a public utility, or a subsidiary or affiliate of a public utility, is not open to public inspection except as otherwise specifically required by law or order of the commission, and any violation of this prohibition by a present or former officer or employee of the commission is a misdemeanor.

This bill would make information furnished to the commission by a public utility holding corporation subject to this prohibition, thereby imposing a state-mandated local

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program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 815 (AB 3436) Floyd Horseracing: stewards licenses.

The Horse Racing Law requires the California Horse Racing Board to require applicants for a license as a steward to pass an examination on matters relating to the duties of stewards

This bill would specify that the board require applicants to pass both a written and an oral examination in order to be licensed.

Ch. 816 (AB 3175) Farr. Industrial development

Existing provisions of the California Industrial Development Financing Act provide for the establishment of industrial development authorities by cities and counties. The industrial development authorities are authorized to issue industrial development bonds, proceeds of which would be used to fund capital projects of private enterprise.

Under existing law, the California Industrial Development Financing Act would be repealed on January 1, 1987.

This bill would instead provide for the repeal of the California Industrial Development Financing Act on January 1, 1989.

Existing law limits to an aggregate amount of \$250,000,000 per calendar year, the amount of bonds which may be financed under the California Industrial Development Financing Act.

This bill would raise this limitation, commencing with the 1986 calendar year, to an aggregate amount of \$350,000,000.

The bill would declare that it would take effect immediately as an urgency statute.

Ch. 817 (AB 3147) N. Waters. Fish and game.

(1) The taking and possession of fish and game is regulated by statute and regulations adopted pursuant to statute

This bill would conform cross-references relating to peace officer requirements for a person deputized as a deputy of the Department of Fish and Game, codify requirements for a hunter safety equivalency examination or training course as a condition of obtaining a hunting license, make inspection of pheasant clubs an optional duty of the department, and revise the fee for pheasant seals

The bill would also repeal provisions relating to use of trout roe in fishing, ice fishing, and use of gaffs

The bill would also extend the termination date of certain license fees and provisions relating to abalone, revise measuring requirements for halibut, and revise areas where certain nets may be used to take fish, violations of which are misdemeanors. The bill would, thereby, impose a state-mandated local program under existing law.

(2) Under existing law, a special permit is required to use set gill or trammel nets in specified waters north of Pfeiffer Point.

This bill would repeal one category of these permits, would require applications for renewal of the permits to be received by the department at one of its district offices, as specified, by May 1, and would establish the dates and location for any drawing, and the submittal of application for the drawing, for new permits for that purpose.

The bill would also impose a state-mandated local program by prohibiting the taking, possession, or transfer of Dungeness crab on or from vessels which carry specified net or which have that net operated from them.

(3) The revenue from license fees and pheasant seals is required to be deposited in the Fish and Game Preservation Fund, which is continuously appropriated. Because this bill would increase the revenue deposited in that fund, it would make an appropriation.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish

procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 818 (AB 2963) Kelley Desert Water Agency: contracts.

Under existing law, all contracts of the Desert Water Agency for any improvement or unit of work, the cost of which is estimated to exceed \$10,000, is required, with specified exceptions, to be let to the lowest responsible bidder in accordance with prescribed procedures

This bill would increase that amount to \$15,000 and would permit specified work which may be done by force account to alternatively be done by informal bidding procedures, as described The bill would also make technical changes

Ch. 819 (AB 3369) Costa. Flood control: Merced County Streams Project.

Under existing law, the project for flood control known as the Merced County Streams Project is adopted and authorized substantially in accordance with specified congressional action. Existing law prohibits the allocation of money appropriated for flood control projects for the purchase of lands, easements, and rights-of-way necessary for multiple-purpose dams or reservoirs constructed by the United States, except for the projects of the Fresno and Merced County Stream Groups

This bill would affirm that the Merced County Streams Project is a project of the Merced County Stream Group for that purpose, and would generally authorize the Reclamation Board to loan the responsible local agency the funds necessary to pay the local portion of the costs of the lands, easements, and rights-of-way The bill would make money previously appropriated for the Merced Stream Channel Improvement, including money reappropriated from the Special Account for Capital Outlay by the Budget Act of 1986, available for these purposes, thereby making an appropriation

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 820 (AB 2652) McAlister. Trust law.

(1) Existing trust law consists of decisional and statutory law. The statutory law is contained in the various codes and concerns, among other things, charitable, involuntary, and private express trusts

This bill would, generally, reorganize the existing statutory provisions by recodifying and recasting that law It would also codify certain decisional law, clarify and revise certain statutory law, and, particularly with respect to express trusts, make numerous substantive changes.

(2) Existing statutory law classifies trusts as voluntary and involuntary and it defines "trust" to include any express private or charitable trust.

This bill would delete statutory provisions which classify trusts as voluntary and involuntary. It would also expressly delete from the definition of the term "trust" a trust that is not under the jurisdiction of the Attorney General. The bill also would substitute the term "settlor" for the term "trustor."

(3) Existing law does not contain a single, comprehensive statutory body of law governing express trusts.

This bill would enact a division in the Probate Code entitled the "Trust Law." This new division would, on and after July 1, 1987, generally apply to all trusts regardless of whether the trusts had been created on that date and generally to all proceedings concerning trusts commenced before July 1, 1987. There would be certain express exceptions with respect to the application of this new law, in which case former law would control. The bill would also provide that common law rules shall govern trusts, except to the extent common law is modified by statute This bill would authorize the Judicial Council to prescribe forms to comply with this division.

(4) Under existing law, various statutes provide for the creation of a trust in terms of the relationships between the parties to the trust

This bill would provide, subject to certain other requirements, that an express trust may be created by a declaration by the owner of property that the owner holds the property as trustee, a transfer of property by the owner during the owner's lifetime to

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another person as trustee, a testamentary transfer of property by the owner to another person as trustee, an exercise of a power of appointment to another person as trustee, or an enforceable promise to create a trust. It would also allow for the establishment of an oral trust of personal property by clear and convincing evidence.

(5) Existing statutory law provides that the beneficiary of a trust for the receipts of, or for the payment of an annuity out of, rents and profits of real property may be restrained from disposing of his or her interest in the trust during the lifetime of the beneficiary or for a term of years by the trust instrument.

Under this bill, if provided by the trust instrument, a beneficiary's interest in income or principal, or both, is generally not subject to voluntary or involuntary transfer and is not subject to enforcement of a money judgment until paid to the beneficiary. However, the bill would authorize the court, upon petition, to issue an order directing the trustee to satisfy a money judgment out of a principal that has become due and payable to a beneficiary. The bill also would set forth instances when a restraint against transfer is invalid or when a court may order payment from income or principal.

(6) Under an existing statute, every voluntary trust is revocable by the trustor by a written instrument filed with the trustee, unless expressly made irrevocable by the instrument creating the trust. Existing law also provides for the modification of a trust and for the early termination of a trust.

This bill would provide that, subject to the laws of this state, a trust is revocable by the settlor, in whole or in part, by compliance with any method of revocation provided in the trust instrument or by a writing (other than a will) signed by the settlor and delivered to the trustee during the lifetime of the settlor, provided that the instrument creating the trust was executed after July 1, 1987. It would also allow the modification of the trust, unless the instrument provides otherwise, by the same revised procedure for revocation if the trust is revocable by the settlor. Furthermore, the bill would allow all beneficiaries, as prescribed, to compel modification upon petition to the court and if the settlor and all beneficiaries consent, they may compel the modification or termination of the trust. The bill would enumerate those instances in which a trust terminates. The bill would also prescribe other proceedings involving modifications of the trust.

(7) Under existing law, a trustee accepts that office by any words or acts indicating the acceptance of the trust or by his or her acknowledgment made upon consideration. Also, under existing law, a trustee may be required to give a bond depending upon the instrument or the trustee. Existing law also contains numerous provisions relating to the office of a trustee.

This bill would allow a trustee to accept the trust or a modification of the trust by signing the trust instrument or the trust instrument as modified, or signing a separate written acceptance or by knowingly exercising powers or performing duties under the trust instrument or the trust instrument as modified, except in certain cases. The bill would also provide for the rejection of the trust or modification by the person named as the trustee either by writing or by the failure to accept the trust or modification within a reasonable amount of time.

This bill would generally provide that a bond is not required by a trustee unless the instrument requires a bond, and would provide that only trustees who are individuals may be required to give a bond.

The bill would enumerate the duties of a trustee, continue the existing standard of care required of a trustee, continue the requirement of existing law which provides that, except as provided in the trust instrument, a power vested in 2 or more trustees may only be exercised by their unanimous action, enumerate general and specific powers of a trustee, provide procedures for the resignation and removal of a trustee, provide for the filling of a vacancy in the office of trustee, and generally continue the provisions of existing law which provide for the compensation and indemnification of a trustee.

(8) Under existing law, various statutes set forth the obligations and liability of a trustee for breach of a trust or fraud.

This bill would provide that a violation by the trustee of any duty that the trustee owes the beneficiary is a breach of trust. However, except under certain circumstances, the trustee would not be liable to the beneficiary for the acts or omissions of an agent, for

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the acts or omissions of a predecessor trustee, or, as under current law, for a breach of trust committed by a cotrustee. It would provide that the revised provisions, with respect to the liability of a trustee for breach of trust, do not prevent resort to any other remedy available under the statutory or common law.

The bill would also enumerate the equitable remedies available to a beneficiary for a breach of trust against a trustee, and it would set forth a revised measure of liability for breach of trust.

The bill also sets forth instances in which a claim against a trustee is barred or may not be maintained, and provides that, except for certain acts, a trustee can be relieved of liability for a breach of trust by the trust instrument or by the consent of the beneficiaries.

This bill would also (1) preclude a beneficiary from holding a trustee liable for a breach of trust by a beneficiary's release or contract, as specified, and (2) preclude a beneficiary from holding the trustee liable for any loss occurring after the trustee entered into certain transactions that the beneficiary could have, at his or her option, reject or affirm

(9) Existing law generally provides for the jurisdiction and venue of the courts with regard to proceedings involving testamentary trusts and inter vivos trusts. Existing law also generally provides for the notice and procedure regarding proceedings involving trusts

This bill would state that the superior court has exclusive jurisdiction of proceedings involving the internal affairs of a trust and, in that regard, it has all the powers of a superior court. The superior court, under this bill, would have concurrent jurisdiction of actions and proceedings to determine the existence of a trust, actions and proceedings by or against creditors or debtors of a trust, and other actions and proceedings involving trustees and 3rd parties. The bill would also establish and set forth rules for the proper venue of a judicial proceeding, provide for the required notices, and set forth a comprehensive procedure concerning judicial proceedings involving the internal affairs or the existence of a trust.

(10) Existing law requires the superior court to retain jurisdiction of certain testamentary trusts which continue after distribution and it provides for the administration of those trusts

This bill would continue, as revised, the requirement that the superior court retain jurisdiction of these trusts and the provisions for the removal of trusts from continuing court jurisdiction.

(11) Under existing statutes, there is no specific provision concerning the potential liability of trustees to 3rd persons.

This bill would state that a trustee is generally not personally liable on a contract entered into by the trustee in the course of administration of the trust unless the trustee fails to disclose the trust and his or her position as trustee. Under the bill, a trustee would not be personally liable for torts committed in the course of administration of the trust unless the trustee was personally at fault.

(12) Existing statutes generally provide that property subject to an unexercised general power of appointment created by a donor in favor of the donor is subject to the claims of the donor's creditors but the statutes do not specifically provide for the rights of creditors of a settlor to reach the trust property where the settlor retains the power to revoke the trust.

This bill would specify the rights of creditors of a settlor where the settlor retains the power to revoke the trust in whole or in part.

(13) This bill would provide that its provisions shall become operative on July 1, 1987, and that after its effective date, the Judicial Council may adopt any forms necessary and that the courts may adopt any rules necessary so that the forms and rules shall be effective when this bill becomes operative.

(14) The bill would make numerous conforming changes.

(15) This bill would incorporate additional changes in Section 20 of the Probate Code, proposed by AB 2625, to be operative only if AB 2625 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

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(16) This bill would incorporate additional changes in Section 1200.5 of the Probate Code, proposed by AB 2625, to be operative only if AB 2625 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch. 821 (AB 3382) Moore Telephone customer and subscriber privacy.

Existing law does not regulate the release of personal information regarding customers or subscribers by telephone or telegraph corporations to general inquirers.

This bill would prohibit, with specified exceptions, telephone or telegraph corporations from releasing specified personal information regarding its residential customers or residential subscribers without obtaining written consent. The bill would authorize any subscriber who so gives his or her consent to rescind that consent in writing. The telephone or telegraph corporation would be required to cease the release of information as to that subscriber within 30 days of receipt of the notice to rescind.

The bill would provide that an aggrieved residential subscriber has a civil right of action against the telephone or telegraph corporation for each violation.

Ch. 822 (AB 3579) Bates. Care facilities.

Existing law provides for the licensing and regulation of community care facilities and residential care facilities for the elderly.

This bill would require that any of these facilities providing residential care for 6 or fewer persons where the owner does not reside shall provide a procedure approved by the licensing agency for immediate response to incidents and complaints. The bill would also require a nonresident owner, licensee, or person designated by the owner or licensee to be present at the facility at a fixed time on a weekly basis. Because the violation of laws relating to these facilities is a misdemeanor, this bill would create a misdemeanor and thus impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 823 (AB 3483) Harris. Fees juvenile court proceedings.

(1) Existing law prohibits the county clerk from charging any fee for services rendered in specified proceedings.

This bill would prohibit the county clerk from charging any fee for services rendered in any juvenile court proceeding or proceeding to declare a minor free from parental custody or control.

(2) Existing law provides that in criminal cases in which the court so directs, the fee for reporting and for a transcript ordered by the court shall be paid out of the county treasury.

This bill would provide, instead, that a court may direct the making of a verbatim record to be paid for out of the county treasury in criminal cases, juvenile proceedings, proceedings to declare a minor free from custody, proceedings under the Lanterman-Petris-Short Act, or as otherwise provided by law, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law provides that in civil cases the fees for reporting and for all other transcriptions ordered by the court to be made shall be paid by the parties in equal proportion.

This bill would provide, instead, that in any case where a verbatim record is not required by law to be made at public expense, the cost of making any verbatim record shall be paid by the parties in equal proportion.

(4) Existing law provides that an appellant in juvenile proceedings to free a minor who is a dependent child of the juvenile court from parental custody and control or to declare a person to be a dependent child or ward of the juvenile court, or an appellant from certain other juvenile proceedings, who is unable to afford counsel, shall be provided a free copy of the transcript.

This bill would provide that in such proceedings, the record shall be prepared and

transmitted immediately after filing of the notice of appeal, without advance payment of fees, and, if the appellant is able to afford counsel, the county, or state, with respect to certain costs which are a charge against the state, may seek reimbursement for the cost of the transcripts, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(5) Existing law specifies the fee for filing a notice of appeal in a civil case appealed to a court of appeal, or a petition for a writ within the original civil jurisdiction of the Supreme Court or a court of appeal.

This bill would provide that no such fee shall be charged in appeals from, nor petitions for writs involving juvenile cases or proceedings to emancipate a minor

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 824 (AB 3473) Johnston. Reclamation districts Sacramento-San Joaquin Delta levees.

(1) Existing law authorizes financial assistance to local agencies for the maintenance and improvement of levees in the Sacramento-San Joaquin Delta which are not project facilities under the State Water Resources Law of 1945, subject to approval by the Reclamation Board of plans for the maintenance and improvement of the levees. Existing law requires the Department of Water Resources to develop and submit to the board, for adoption by the board, criteria for the maintenance and improvement of nonproject levees.

This bill would require those criteria to embody and implement the standards in a specified short-term mitigation plan prepared by the department and as the plan may be amended. The bill would require the department to inspect nonproject levees of local agencies for the purpose of monitoring and ascertaining the degree of compliance with, or progress toward meeting, those standards and would require the local agency to cooperate with the department in the conduct of these inspections

The bill would make related legislative findings and declarations.

(2) Under existing law, reclamation districts may be governed by a board of trustees whose members are elected to serve 4-year terms on a staggered basis, or appointed in lieu of election if there are too few nominees, in a specified manner. Nominations for the board are required to be made by petition signed by 5 qualified voters of the district.

This bill would, in addition to that regular election, impose a state-mandated local program by requiring the board of supervisors of the county to appoint a time and place for a general district election for the unexpired term of the trustees then serving, upon petition of 20% of the landowners owning 20% of the value of lands or upon recommendation of the board of trustees of the reclamation district. The bill would also require only one voter's signature on petitions in districts with fewer than 15 qualified voters

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specific reason.

(4) The bill would declare that it is to take effect immediately as an urgency statute

Ch 825 (AB 4417) Cortese Sales and use taxes: leases

Under the existing Sales and Use Tax Law, the terms "sale" and "purchase" include, with certain exceptions, any lease of tangible personal property for a consideration. For those purposes, a lease is a continuing sale and possession of the leased property by the lessee is a continuing purchase. Existing regulations provide that where a contract

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designated as a lease binds the lessee for a fixed term and the lessee is to obtain title at the end of the term upon completion of the required payments or has the option to purchase the property for a nominal amount, the contract will be regarded as a sale under a security agreement from its inception and not as a lease.

This bill would codify that regulation, and would further provide that in the case of a contract designated as a lease with any state or local governmental body, or any agency or instrumentality thereof, the lessee shall be treated as bound for a fixed term notwithstanding any right of the lessee to terminate the contract in the event that sufficient funds are not appropriated to pay amounts due under the contract.

The bill would provide that if a transaction entered into prior to the effective date of this bill has been treated by the lessor as a lease, the full term of which has not expired or been earlier terminated, then that transaction shall be classified as a sale under a security agreement occurring in the first calendar quarter commencing more than 90 days after the effective date of this bill, and shall be classified as a lease for all earlier periods. It also would provide that any use tax previously paid on a transaction described in the preceding sentence shall be credited against any sales or use tax due.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 826 (AB 4299) Harris. Secondhand property.

(1) Under existing law, secondhand dealers, including pawnbrokers, are required to report certain transactions involving tangible personal property on forms approved or provided at actual cost by the Department of Justice. Existing law provides that the report shall include prescribed information.

This bill would require the report to be legible and to be prepared in English. The bill would also further revise the information required in the report.

This bill would constitute a state-mandated local program since a violation of these new reporting requirements would constitute a crime.

(2) Existing law provides that the statutes shall not be deemed to excuse compliance with certain ordinances or laws covering the reporting, holding, or releasing of tangible personal property provided that no city, county, or city and county, or any other state agency shall adopt holding or reporting requirements with regard to secondhand dealers involving coins, monetized bullion, or commercial grade ingots of gold, silver, or other precious metals.

This bill, would instead prohibit such entities from adopting holding, reporting, or identification requirements with regard to those precious metals transactions. In addition to prohibiting the above, this bill would prohibit the imposition of reporting or identification requirements, for the acquisition of tangible personal property, in the ordinary course of business, by pawnbrokers and secondhand dealers other than as set forth in specific statutes.

(3) Existing law provides that the statutes shall not prohibit the adoption or enforcement of certain local ordinances relating to secondhand dealers provided that no city, county, city or county, or state agency shall adopt holding or reporting requirements with regard to transactions involving coins, monetized bullion, or commercial grade ingots of gold, silver, or other precious metals.

This bill would instead prohibit the local and state entities from adopting holding, reporting, or identification requirements with regard to those precious metals transactions. The bill would also prohibit the adoption of reporting or identification requirements for the acquisition of tangible personal property, in the ordinary course of business, by pawnbrokers and secondhand dealers, other than as set forth in specific statutes.

(4) Existing law provides that a secondhand dealer's license is subject to forfeiture and the licensee's activities as a secondhand dealer are subject to being enjoined for breach of any of specified conditions, including the condition that the licensee shall not engage in any act which is in violation of the law governing secondhand dealers.

This bill would specify that the above provisions only apply if the licensee knew that the act he or she engaged in was in violation of the above law.

(5) Under existing law, a violation of any provision of the law governing secondhand dealers or regulating pawnbrokers is a misdemeanor.

This bill would specify that the violations of the above statutes must be violations under circumstances where a person knows or should have known that a violation was being committed in order to constitute a misdemeanor.

(6) Existing law authorizes a peace officer to place a hold on property in the possession of a pawnbroker where there is probable cause to believe it is stolen. The hold may be for a period not to exceed 90 days, during which period the pawnbroker may not release or dispose of the property except pursuant to a court order or a written authorization from the clerk or person having charge of the property section for a police or sheriff's department. Existing law also provides that if the property clerk or person having charge of the property section determines that the property has been stolen and authorizes the release of the property, the owner would be given a statement indicating that the payment of a fee is neither required nor prohibited as a condition for the return of the property.

This bill would include all secondhand dealers in the application of the above statute, rather than only pawnbrokers. By including secondhand dealers in this law, it would create a state-mandated local program by expanding the definition of a crime since any violation of this law is a misdemeanor.

The bill would also allow for the release of the property to any peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member, rather than allowing release to a clerk or person having charge of the stolen property.

This bill would delete the provision stated above which provides the procedure for the disposition of property which has been determined to have been stolen but for which release is authorized. This bill would, however, provide procedures for the disposition of property which is subject to a hold and is required by a peace officer in a criminal investigation or prosecution and for the disposition of property which is subject to a hold but is no longer required for the purpose of criminal investigation or prosecution.

(7) Existing law provides that when alleged stolen or embezzled property comes into the custody and is held by a peace officer, it shall be disposed of in a prescribed manner.

This bill would provide that if the person from whom property was taken is a secondhand dealer or licensed pawnbroker and reasonable but unsuccessful efforts have been made to notify the owner of the property and the property is no longer needed for the criminal proceeding, the property shall be returned to the person who had custody of the property and be treated as regularly acquired property.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 827 (AB 4249) Vasconcellos. Medi-Cal. hospice service.

Existing law does not include hospices within the scope of services made available under the Medi-Cal program.

This bill would include Medicare-certified hospice service as a covered Medi-Cal benefit, only to the extent that no additional net program costs are incurred.

Ch. 828 (AB 3892) N. Waters. Cattle.

(1) Existing law includes area supervisors and supervising hide and brand inspectors in the definition of "inspector" for purposes of the laws relating to cattle regulation.

This bill would delete these persons from that definition of "inspector" and instead

include regional brand supervisors and senior brand inspectors in that definition.

(2) Existing law prohibits any person from engaging in the business of slaughtering cattle unless that person procures a slaughterer's license from the Bureau of Livestock Identification in the Department of Food and Agriculture, executes a bond in the sum of \$1,000, pays specified fees, and complies with other specified requirements.

This bill would repeal the provisions by which the bureau licenses a person who engages in the business of slaughtering cattle and would instead require a person in this business to have been issued a grant of inspection by the United States Department of Agriculture Food Safety and Inspection Service, thereby imposing a state-mandated local program by creating a new crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 829 (AB 4124) Johnston. California Educational Facilities Authority.

(1) Existing law, known as the California School Finance Authority Act, establishes the California School Finance Authority and authorizes it to issue for sale and have outstanding revenue bonds in a total amount not to exceed \$250,000,000, to reconstruct, remodel, or replace existing school buildings, to acquire new school sites and buildings to be made available to school districts, and to assist school districts by providing access to financing for working capital and capital improvements. Existing law prescribes the powers and duties of the authority.

This bill would delete the power of the authority to adopt rules and regulations for the implementation of the act and would make various technical changes to the act.

(2) Existing law authorizes the California Educational Facilities Authority to have a total of \$750,000,000 in bonds outstanding at any one time.

This bill would raise the authorized total of outstanding bonds to \$1,250,000,000 and would provide that bonds for the payment of which funds have been placed in escrow prior to maturity or redemption shall no longer be treated as outstanding for the purpose of this limitation.

(3) Existing law provides an additional and alternative method for doing what is authorized by the California Educational Facilities Authority Act and which is not to be regarded as in derogation of any existing power, provided that the issuance of bonds or refunding bonds need not comply with the requirements of any other law applicable to the issuance of bonds.

This bill would delete the reference regarding existing law not being in derogation of any existing power and would specifically provide that the issuance of bonds and refunding bonds need not comply with the California Environmental Quality Act. This bill would provide that this provision shall apply to bonds issued on or after December 1, 1985.

This bill would incorporate changes in Sections 17880, 17893, 17899.1, and some of the changes in Sections 17873, 17883, and 17899.3, of the Education Code, proposed by A.B. 3908, but only if A.B. 3908 and this bill are both chaptered and become effective, and this bill is chaptered last.

The changes which this bill would make in Section 17892 of the Education Code would not become operative if AB 3908 is enacted and becomes effective before the effective date of this bill and if AB 3908 amends Section 17892.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 830 (AB 4411) Bates. Foster care: medically fragile children

Existing law provides for the periodic inspection of foster family homes providing 24-hour care of 6 or fewer foster children by the State Department of Social Services, among other things.

This bill would require the department, in cooperation with specified private entities, to conduct a study and make findings and recommendations by January 1, 1988, for services to medically fragile children in foster family homes, using specified guidelines.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 831 (AB 3838) Baker. Benicia-Martinez Bridge.

Under existing law, the Department of Transportation has possession and control of all state highways. Also under existing law, the department has responsibility for the design and operation of bridges across the Carquinez Straits, including the Benicia-Martinez Bridge.

This bill would authorize the department to design and construct traffic capacity improvements to the Benicia-Martinez Bridge upon inclusion of the project in the state transportation improvement program. The bill would also authorize the department to proceed, at the earliest practicable time, with preliminary work on a new toll bridge across the Carquinez Straits parallel to the Benicia-Martinez Bridge.

The bill would require the preliminary work to be funded from that portion of the bridge revenues in excess of the amount needed for the operation and maintenance of the bridge and to meet all obligations of the bond resolution applicable to the bridge.

The bill would make an appropriation by making the bridge revenues, which are deposited in a continuously appropriated fund, available for a new purpose.

The bill would declare that it is to take effect immediately as an urgency statute

Vote: Appropriation: yes

Ch. 832 (AB 4175) Wright Castaic Lake Water Agency.

(1) Under existing law, the Castaic Lake Water Agency exercises specified powers set forth in the Castaic Lake Water Agency Law. The board of directors of the agency consists of 7 members elected by the voters of the agency.

This bill would increase the number of directors on the board, effective January 1, 1987, to 11 by the addition of 4 appointed directors, thereby imposing a state-mandated local program. The bill would require the 4 retail water distributors which receive water from the agency to make nominations for those positions and would prescribe terms of office and related requirements and procedures for those appointments. The bill would authorize the board of directors at any time after January 1, 1991, to abolish the additional offices of the appointed directors by a resolution adopted by a prescribed number of votes. The bill would authorize the agency to require reporting to the agency of all production, distribution, and reclamation of water in excess of 10 acre-feet per annum, to store and recover water in aquifers, and to develop and implement groundwater management plans, subject to specified conditions. Since the reporting requirement would be applicable to local agencies, the bill would impose a state-mandated local program. The bill would delete these powers if the board of directors adopts a resolution abolishing the offices of the appointed directors. The bill would also expressly authorize the agency to exercise specified powers to develop and deliver water at wholesale.

(2) Under existing law, the board of directors of the agency is directed to fix water rates which will, so far as practicable, result in revenues which will pay specified costs of the agency.

This bill would authorize the agency to fix on the basis of benefit and levy, subject to specified limitations, standby charges within any water service area to which water may be made available, whether the water is actually used or not, and would provide for the county to levy and collect the charges in accordance with prescribed procedures, thereby imposing a state-mandated local program.

The bill would also authorize the agency to establish and impose, in accordance with prescribed procedures, a facility capacity fee, in the nature of a connection fee, for the right to make a new retail connection to water distribution systems served by the agency to finance specified capital costs, and would prescribe related matters.

(3) Under existing law, improvement districts may be formed within the agency in accordance with prescribed procedures and requirements.

This bill would require the board of directors for any fiscal year commencing on or after July 1, 1987, to divide all lands within the agency, in accordance with prescribed procedures, into water service areas for the purpose of funding and apportioning the annual capital budget of the agency, as prescribed, thereby imposing a state-mandated local program. The bill would prescribe the allocation of agency water to each purveyor until such time as there is more than 25,000 acre-feet of water available each year from the agency or until July 1, 1991, whichever is later, and would thereafter allocate agency

water among agency water service areas according to a prescribed ratio.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 833 (AB 4073) Filante. Vehicles: speed traps.

Existing law defines "speed trap" and provides that speed trap provisions do not apply to local streets and roads, as defined, until January 1, 1987.

This bill would extend the exemption of local streets and roads from those provisions until January 1, 1993.

Ch. 834 (SB 2328) Royce. Public social services.

Existing law contains provisions for the establishment of Medi-Cal eligibility for certain persons whose monthly income exceeds the amount required for maintenance and requires the State Director of Health Services to adopt regulations implementing provisions requiring that Medi-Cal recipients' share of cost shall be determined on a monthly basis.

This bill would delete those provisions and, provide instead, that medically needy persons and medically needy family persons are entitled to Medi-Cal health services if specified eligibility criteria are met.

Existing law provides that, until January 1, 1987, resources shall be exempt from consideration in determining eligibility for the Medi-Cal program to the extent permitted by federal law, and on and after January 1, 1987, would, instead, specify monetary limits on the amounts of resources which may be exempt in determining eligibility for specified persons under the Medi-Cal program.

This bill would continue, on a permanent basis, the method of determining Medi-Cal eligibility which exempts resources from consideration to the extent permitted by federal law.

Under existing law, for the purposes of determining eligibility for health services under the Medi-Cal program, the value of the principal residence, as defined, is disregarded.

Existing law provides that the home shall be the principal residence if the property cannot be readily converted to cash, but a bona fide effort is being made to sell the property.

In these cases, the state has a lien against the property, to the extent permitted by federal law, for the cost of medical services.

This bill would provide that the state shall, subject to notice and an opportunity for a hearing, have a lien, to the extent permitted by federal law, for the cost of medical services, which lien shall be recorded, and from the date of recording, shall have the force, effect, and priority of a judgment lien.

Ch. 835 (SB 2244) Ellis. Political Reform Act of 1974: audits

Under the Political Reform Act of 1974, candidates for the Legislature or for superior court judge in a direct primary or general election are subject to audit by random selection if it is determined that \$15,000 or more in contributions have been received or \$15,000 in expenditures have been made. This random selection applies to 50% of the Senate districts, 50% of the Assembly districts, and 50% of the contested judicial offices in an election year.

This bill would instead provide for a random selection of 25% of the affected candidates.

This bill would also provide that the Fair Political Practices Commission shall promulgate regulations with respect to audits of local candidates and their controlled committees and would express legislative intent regarding funding the cost of these audits.

Ch. 836 (SB 2185) Morgan. Average daily attendance: work experience education programs.

NOTE: Superior numbers appear as a separate section at the end of the digests

Existing law establishes provisions for computing the average daily attendance of pupils for purposes of work experience education programs. Existing law provides that the pupil-teacher ratio shall not exceed 125 students per full-time equivalent certificated coordinator. Existing law also precludes a school district governing board from requesting, on behalf of a school site council, the State Board of Education to waive this pupil-teacher ratio.

This bill would, notwithstanding this existing prohibition, authorize the State Board of Education to waive that ratio under criteria developed by the State Board of Education, pursuant to other prescribed provisions which authorize a school district governing board to request the State Board of Education to waive Education Code provisions

Ch. 837 (SB 2187) Morgan. Transportation funds railroad commute service.

Under existing law, for purposes of determining the eligibility of existing commuter rail services for state subsidization, the service is required to maintain a specified ratio of fare revenues to operating costs. "Fare revenues" means the total revenues collected from the operation of the particular service

This bill would define "fare revenues" to also include, until June 30, 1990, a specified portion of local operating support for an existing commuter service.

This bill would state the intent of the Legislature in enacting these provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 838 (SB 1856) Seymour. Real property

Existing law contains various provisions relating to the acquisition of interests in real property and regulating the relationship of landlord and tenant.

This bill would create civil and criminal penalties for rent skimming, as defined, thus imposing a state-mandated local program by creating new crimes.

This bill also provides specified affirmative defenses for a natural person who is a defendant in a civil or criminal action for rent skimming.

The provisions of the bill would be operative until January 1, 1992.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 839 (SB 1822) Bergeson. Transportation

(1) Existing law prescribes procedures authorizing the County of Orange and any city within that county to adopt an ordinance requiring the payment of fees as a condition to approving a subdivision map or issuing a building permit, to be used to defray construction costs of bridges and major thoroughfares, and to incur indebtedness for the costs of that construction. For these purposes "construction" includes design, acquisition of right-of-way, administration of construction contracts, and actual construction.

This bill would define "construction" to also include reasonable administrative expenses, not exceeding \$600,000 per calendar year, incurred in association with those activities.

(2) Existing law specifies the amount of annual revenues to be allocated to transportation commissions in Los Angeles, Orange, Riverside, and San Bernardino Counties for transportation planning and programming.

This bill would increase the allocation to Orange County from 2% to 3% of annual revenues.

(3) Under the Mills-Alquist-Deddeh Act, 1% of the money in the local transportation fund for the areas under the jurisdiction of the San Diego Metropolitan Transit Development Board and the North San Diego County Transit Development Board, after allocations for specified purposes, is allocated to the council of governments for specified transportation planning purposes.

This bill would increase the percentage of the allocation for those purposes up to 2%

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Ch. 840 (SB 1748) Russell. County Employees Retirement Law of 1937: safety members: age limitations.

(1) The existing County Employees Retirement Law of 1937 (CERL) prescribes certain maximum age limits for employment and retirement of safety members.

This bill would make those maximum age limits applicable only in counties which elect those limits, would provide for specified contribution rates for safety members ages 18 to 20 and ages 36 to 49 and over, and would make related legislative findings.

This bill would impose upon counties subject to CERL state-reimbursable state-mandated local program costs, and the new authorization would impose state-reimbursable state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 841 (SB 869) Bergeson. Certificated employees. credentials

Existing law authorizes the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance of renewal of teaching credentials

This bill would require the commission to issue a life credential to an applicant who, as of August 31, 1985, had fulfilled all requirements for a life credential that were in effect at that time and who applies to the commission between January 1, 1987, and March 31, 1987, setting forth specified information and enclosing the appropriate credential fee.

Ch 842 (SB 1483) Alquist. California Health Facilities Financing Authority.

(1) Under existing law, there is a California Health Facilities Financing Authority which is empowered to make loans under certain conditions from the California Health Facilities Financing Authority Fund to nonprofit corporations or associations for financing or refinancing of the acquisition, construction, or remodeling of health facilities, as defined. Existing law authorizes the authority to issue revenue bonds for the purpose of obtaining moneys to make those loans. The total amount of revenue bonds authorized to be outstanding at any one time is limited to \$3,374,000,000.

This bill would increase the total amount of revenue bonds authorized to be outstanding at any one time by \$875,000,000. The bill would make an appropriation because the additional funds from the issuance of these bonds would be deposited in the California Health Facilities Financing Authority Fund, which is a continuously appropriated fund.

The bill would further provide that bonds which have been issued by the authority for the purpose of refunding any bonds or any series or issue of bonds of the authority shall not be deemed as outstanding bonds in determining the total amount of revenue bonds which is authorized to be outstanding.

(2) Existing law also authorizes the authority to enter into any agreement or contract necessary, convenient, or desirable for the purposes of the authority to carry out the responsibilities of the authority under the California Health Facilities Financing Authority Act, and to enter into agreements for liquidity and credit enhancement.

This bill would additionally permit the authority to enter into agreements for interest rate swaps or hedges.

(3) Existing law authorizes the authority to issue revenue bonds to finance working capital for a participating health institution provided or operated by a city, city and county, county, or hospital district, which undertakes the financing or refinancing of the construction or acquisition of a project.

This bill would authorize the authority to issue revenue bonds to finance working capital for those entities without the requirement that the financing or refinancing be for the purpose of construction or acquisition of a project.

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(4) Under existing law, the revenues and other rights to payment from projects financed by the authority through a revenue bond issuance, which are pledged and thereafter received by the authority or its assignees are immediately subject to the lien of the pledge without further act

This bill would subject the revenues and rights to payment to the lien of the pledge when they are pledged by or to the authority or its assignees, rather than when they are received by the authority.

(5) Under existing law, the authority may, for the purposes of securing the financing of projects or working capital through the issuance of revenue bonds, lend money to any city, county, or hospital district with the interest rate, the maturity dates, and other terms to be specified in a loan agreement

This bill would specify that the loan agreement shall also include terms for payment, security, default, and a remedy.

(6) Existing law limits the total amount of revenue bonds that may be outstanding at any one time under the act to the amount specified in paragraph (1) above, but excepts from a portion of that specific amount, the amount of bonds issued to finance a project which is, or is for, a county health facility, an adult day health center, or a multilevel facility, or a project for a specified public hospital district.

This bill would apply that exception to a portion of any authorized maximum amount of outstanding bonds, and would include within the exclusion any project for the purchase or lease by a city or county of health facilities from the authority.

(7) Under existing law, the authority may, for the purpose of securing the financing of projects through the issuance of revenue bonds, sell or lease health facilities to a county under provisions to be specified in a purchase or lease agreement

This bill would also allow the authority to sell or lease health facilities to cities or hospital districts.

(8) Existing law requires participating health institutions to give specific assurances regarding the availability of their services to community residents and to provide specific notice of this availability

This bill would require as a condition of the issuance of revenue bonds, as defined, by the authority or any local agency, as defined, each borrower, as defined, to give reasonable assurance to the authority that the services of the health facility will be made available to all persons residing or employed in the area served by the facility. This bill would also require the borrower, as part of its assurances, to agree to specified actions. If the borrower cannot demonstrate it meets the reasonable assurance requirements it may still be eligible for revenue bond financing if it presents a plan detailing its compliance with these requirements to the satisfaction of the authority. The borrower is also required to make an annual substantiating compliance report. This bill would except local agencies from the assurance requirements, except for the construction, expansion, remodeling, renovation, furnishing, or equipping of a health facility, or the acquisition of a health facility, commenced on and after January 1, 1987.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 843 (SB 1828) Boatwright. California State University

(1) Existing law grants to the Trustees of the California State University the authority, with limited exceptions, necessary to carry out the purposes of the California State University pertaining to interests in property, bonds, insurance, official printing and binding, contracts, purchases, as well as other specified actions, without obtaining prior approval from any other state department or agency. Existing provisions of law concerning this authority are to remain operative until January 1, 1987.

This bill would extend the trustees' authority in these areas indefinitely, and would repeal certain other replacement provisions that otherwise would become operative on January 1, 1987.

(2) This bill would express the Legislature's intent that if the California State University determines that it would be more efficient to contract with other state agencies to perform any service or function, the university shall do so.

(3) Existing law provides that the trustees shall establish an internal audit staff with specified duties.

This bill, in addition, would require the staff to perform audits of specified functions of the California State University at least once every 5 years.

Ch. 844 (SB 1564) Mello. Residential care facilities for the elderly.

Existing law provides for the regulation of residential care facilities for the elderly by the State Department of Social Services and defines relevant terms. Existing law relating to these facilities exempts specific types of facilities from its application. Existing law specifies the minimum basic services to be provided by licensed facilities.

This bill would revise the definition of care and supervision and make it one of the basic services which a licensed facility must provide. This bill would exempt from the application of these licensing provisions a congregate housing project for the elderly, which supplies housing, meals, transportation, housekeeping, or recreational and social activities, or that has residents independently accessing supportive services or. The bill would revise the definition of personal care and supportive services.

Existing law requires the State Department of Social Services to notify each facility of its obligation to comply with specified requirements concerning substantiated complaints of violations. Existing law requires the Director of Social Services to publish a list or lists of licensed residential care facilities for the elderly.

This bill would delete the requirement that the department notify the facilities of their obligation to comply with certain requirements, would delete the requirement that the director's list or lists contain evaluation ratings for the facilities, and would make a technical change.

Under existing law, the fee to operate a facility for the elderly is based upon a portion of the application and renewal processing costs, not to exceed specified amounts.

This bill would require the fee to finance a portion of these costs and certain postlicense inspections.

Under existing law, the department is required to make an onsite inspection of a facility for the elderly within 10 days of receipt of a complaint in writing signed by the complainant detailing the alleged violation.

The bill would require the onsite inspection except where the visit would adversely affect the licensing investigation or the investigation of other agencies.

Existing law requires the department to refer residents of an unlicensed facility to specified agencies.

This bill would include the appropriate local or state long-term care ombudsman within those agencies.

Under existing law, the department may suspend or revoke a facility license for conduct in the operation or maintenance, or both the operation and maintenance, of a residential facility for the elderly which is inimical to the health, morals, welfare, or safety of either the resident or person receiving services from the facility or the people of this state.

This bill would delete the requirement that the conduct be in the operation or maintenance, or both the operation and maintenance, of the facility.

Prior to the enactment of the California Residential Care Facilities for the Elderly Act in 1985, these facilities were licensed under the California Community Care Facilities Act. Under that act, these facilities which served 6 or fewer persons were subject to all of the following:

(a) Exemption from any business tax, local registration fee, use permit, or other fees to which other single-family dwellings are not likewise subject.

(b) The State Fire Marshal or any local entity was prohibited from charging any fee for enforcing fire inspection regulations with respect to residential facilities which serve 6 or fewer persons.

(c) Whether or not unrelated persons are living together, a residential facility which served 6 or fewer persons was considered a residential use of property for the purposes of that act and required that the residents and operators of the facility be considered a family for the purposes of any law or zoning ordinance which related to the residential use of property pursuant to that act; provided that the use of a single-family dwelling does not constitute a change of occupancy.

(d) Prohibition, for the purposes of all local ordinances, a residential facility which

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serves 6 or fewer persons against inclusion in any term which implies that the residential facility is a business run for a profit or differs in any way from a single-family residence.

(e) Prohibition of any conditional use permit, zoning variance, or other zoning clearance to a residential facility serving 6 or fewer persons which is not required of a single-family residence in the same zone.

(f) Prohibition of the denial of any fire inspection clearance or other permit, license, clearance, or similar authorization to a residential facility because of a failure to comply with local ordinances from which such facility would be exempted by the bill, provided the applicant otherwise qualified for such fire clearance, license permit, or similar authorization.

This bill would make all of the above provisions applicable to residential care facilities for the elderly.

Under existing law, a permit is required to sell deposit subscriptions for life care contracts.

This bill would require the department to issue a preliminary approval for licensure for a residential facility for the elderly for purposes of the applicant obtaining the permit to sell upon its determination of the applicant's ability and intent to meet all of the requirements for licensure.

Ch. 845 (SB 2331) McCorquodale. Public Utilities Commission: inspection of books and records.

(1) Under existing law, the Public Utilities Commission, in the exercise of its jurisdiction over public utilities, may inspect the books, records, and papers of these businesses and also the books, records, and papers of a business which is a subsidiary or affiliate of a telephone corporation as to any transaction between the corporation and the subsidiary or affiliate on any matter affecting the corporation's rates or expenses.

This bill would expand these provisions to permit the commission to inspect the books, records, and papers of a subsidiary or affiliate of an electrical or gas corporation, and of any corporation which holds a controlling interest in an electrical, gas, or telephone corporation on any matter that might adversely affect the interests of the ratepayers of the electrical, gas, or telephone corporation. A wrongful refusal to allow the commission to make these inspections would, under other provisions, be a crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 846 (SB 2330) McCorquodale. Animals: cruelty to.

Existing law provides that (1) with respect to any person, it is a misdemeanor to torture, mutilate, or cruelly beat or kill any animal, and, with respect to a person having charge or custody of an animal, as owner or otherwise, it is a misdemeanor to subject the animal to unnecessary suffering, cruelty, or abuse; and (2) with respect to any person, it is a felony with prescribed penalties or a misdemeanor with prescribed penalties, to maliciously maim, wound, torture, mutilate, or kill an animal which is the property of another.

This bill would provide that, upon the conviction of any person for a violation of any of the provisions prohibiting the above acts of cruelty, any animal lawfully seized and impounded with respect to the violation shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition, thereby imposing a state-mandated local program. The bill would also provide that a person convicted of any of the above acts of cruelty shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

This bill would specify that mandatory seizure or impoundment shall not apply to animals in properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.

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The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 847 (SB 2559) Beverly. Unemployment insurance.

Existing law provides for a state system of unemployment compensation insurance funded by employer contributions, and administered by the Employment Development Department.

This bill would provide that unless otherwise specifically provided, the definitions and qualifications of deferred compensation plans shall be determined for purposes of the unemployment insurance law in accordance with specified federal law, and provides that the federal regulations shall govern the interpretation of the unemployment insurance law in the absence of regulations issued by the Employment Development Department.

Existing law contains detailed provisions as to what is included and excluded from wages for purposes of employer contributions for unemployment compensation insurance.

This bill would add and delete inclusions and exclusions from wages for these purposes, generally relating to retirement and deferred compensation plans, moving expenses, group legal service plans, educational, and dependent care assistance programs, among others.

Existing law requires employers to withhold certain amounts from the wages of employees for personal income taxes, and requires the Employment Development Department to administer the reporting, collection, refunding to the employer, and enforcement of the taxes required to be withheld by employers.

Existing law provides the definitions and provisions of the Personal Income Tax Law referred to and incorporated by reference as set forth in specified provisions of the Revenue and Taxation Code shall apply to and govern the construction of the provisions governing the withholding of state personal income tax.

This bill would revise and increase the provisions of the Revenue and Taxation Code incorporated by reference for these purposes.

This bill would also revise the definitions of employee, gross income, and wages for purposes of the state income tax withholding provisions.

This bill would make an appropriation by increasing the amounts deposited in the Unemployment Fund, a continuously appropriated fund.

This bill would impose a state-mandated local program by increasing the contribution rate to the Unemployment Fund for local public agencies which have not elected self-financing of the costs of unemployment compensation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 348 (SB 2285) Campbell California State Lottery

(1) Existing law provides that the criminal prohibitions against lotteries contained in the Penal Code do not apply to the California State Lottery or its operations.

This bill would expressly provide that this exemption shall not be construed to change existing law relating to lotteries operated by persons or entities other than the California State Lottery.

(2) Existing law authorizes the commission to adopt regulations to establish a system of verifying the validity of prizes and to effect payment of prizes. This system may

include confidential validation and security tests.

This bill would authorize the commission to require that any form relating to a claim for a prize be signed under penalty of perjury in a specified form. By establishing new conduct as a basis for perjury, the bill would establish a new crime and enforcement of this new crime by local governmental agencies would constitute a state-mandated local program

(3) Existing law requires each state lottery contractor to post a performance bond with the commission.

This bill would provide instead that each state lottery contractor may be required by the state lottery to post with the commission an acceptable performance bond, letter of credit, or other form of security or guarantee of performance.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 849 (SB 2231) Presley. Alternative CERL survivor continuance provisions.

(1) The County Employees Retirement Law of 1937 (CERL) provides, upon the postretirement death of a member or a safety member retired for service or nonservice-connected disability, for the continued payment of 60% of the unmodified retirement allowance to the surviving spouse who is designated as beneficiary and was married to the member at least one year prior to retirement or to the surviving children, as specified

This bill would add to the CERL provisions which would be applicable only at the option of each county and which would provide, as specified, for continued payments, but with the conditions that the surviving spouse only be married to the member at least 2 years prior to the death and have attained age 55 years on or prior to the death and that no other person has been designated a payee by a domestic relations court order

(2) The CERL also provides, upon the postretirement death of a member retired for service-connected disability, for continued payment of the full retirement allowance to the surviving spouse who is designated as beneficiary and was married to the member prior to the date of retirement or to the surviving children, as specified.

This bill would add to the CERL, provisions which would be applicable only at the option of each county and which would provide, as specified, for such continued payments, but with the conditions that the surviving spouse only be married to the member at least 2 years prior to the death and have attained age 55 years on or prior to the death and that no other person has been designated a payee by a domestic relations court order.

(3) These new authorizations would impose state-reimbursable state-mandated local negotiating costs since their exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 850 (SB 2168) Maddy. Probation: escape.

Under existing law, a court-ordered revocation, summary, or other order regarding probation serves to toll the running of the probationary period. There is no provision which automatically tolls the running of a probationary period upon the escape of a person from jail.

This bill would provide that if, at any time during the probationary period of a person,

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the person serves time in jail, and the person escapes while serving that time the probation is revoked as a matter of law on the day of the escape. The bill would also require that a probationer who has had his or her probation revoked be accorded a hearing or hearings. It would thus create a state-mandated local program by increasing the level of service required of local government.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 851 (SB 2180) Royce. Contractors: manufactured home or mobilehome dealers.

Existing law provides for the licensure and regulation of contractors, as defined.

For purposes of those provisions regarding licensing and regulating of contractors, this bill would exclude from the definition of a contractor a seller of a manufactured home or mobilehome who holds a retail manufactured home or mobilehome dealer's license under specified provisions, if the installation of the manufactured home or mobilehome is to be performed by a licensed contractor and the seller certifies that fact in writing, as specified, to the buyer prior to the performance of the installation.

Existing law sets forth various grounds for disciplinary action against, among others, a licensed retail manufactured home or mobilehome dealer.

This bill would add to those grounds for disciplinary action against a licensed retail manufactured home or mobilehome dealer the failure to (1) disclose to the purchaser in writing the name, business address, and contractor's license number of the licensed contractor whom the dealer certifies as performing the installation of the manufactured home or mobilehome, and (2) correct, or cause to be corrected, any defects in the installation of a manufactured home or mobilehome performed by a licensed contractor whom the dealer had certified to the purchaser as the installation contractor. This bill would require an accusation for a violation of (2) above to be filed against a licensee within 3 years after the occurrence of the act or omission alleged as the ground for disciplinary action.

Ch. 852 (SB 2147) Dills. County Health Facilities Financing Assistance Fund.

Under existing law, the County Health Facilities Financing Assistance Fund is continuously appropriated to assist counties in financing local health facilities.

This bill would also authorize the fund to be expended for local jurisdictions which is defined to mean a county, the San Joaquin Local Health District or a city, under certain circumstances. Since money in a continuously appropriated fund could be expended for the health purpose of other jurisdictions, this bill would be an appropriation bill.

This bill would incorporate amendments to Section 15463 of the Government Code proposed by AB 3475 and AB 3515 to become operative if this bill and those bills are enacted and this bill is enacted after those bills.

Ch. 853 (SB 2115) Bergeson. Local agency investments.

Existing law provides that the surplus funds of a local agency or funds in its custody may be invested in "repurchase agreements" and "reverse repurchase agreements," as defined.

This bill would revise the definition of "repurchase agreement" to provide that the transfer of underlying securities to the counterparty bank's customer book-entry account may be used for book-entry delivery and that a counterparty bank's trust department or safekeeping department may also be used for the physical delivery of the underlying security.

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Existing law specifies that these funds may be deposited for safekeeping in certain entities, including state associations.

This bill would substitute savings associations, as defined, and add credit unions, with specified limitations, as entities for the deposit of funds.

This bill would incorporate changes in Sections 53601 and 53635 of the Government Code proposed by AB 2595 to be operative only if both bills are chaptered on or before January 1, 1987, and this bill is chaptered after, but becomes operative before, AB 2595.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 854 (SB 2040) Morgan. Evidence: privilege

Existing law establishes various privileges whereby certain classes of persons may refuse to disclose confidential communications made to them, as specified.

This bill would establish the domestic violence victim-counselor privilege, whereby the victim of the violence would have a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a domestic violence counselor, except as specified. The privilege also could be claimed by the domestic violence counselor under specified circumstances.

The California Constitution requires that statutes which have the effect of excluding relevant evidence concerning criminal offenses in criminal and juvenile proceedings shall be enacted by a $\frac{2}{3}$ vote of the membership of each house of the Legislature.

Ch. 855 (SB 2535) Ellis. Property taxation: base-year values

Existing provisions of Article XIII A of the California Constitution provide that the full cash value base of real property may be reduced to reflect substantial damage, destruction, or other factors causing a decline in value. Existing statutory law implementing the constitutional provisions provides that for each lien year date after the lien date in which the base-year value of real property is determined pursuant to certain statutory provisions, the taxable value of real property shall be the lesser of various specified values, including its fair market value as of the lien date taking into account reductions in value due to damage, destruction, depreciation, obsolescence, or other factors causing a decline in value.

This bill would permit the base-year value of real property which is substantially damaged or destroyed, as specified, by a disaster, as declared by the Governor, to be transferred to comparable property, within the same county, which is acquired or newly constructed within 2 years after the disaster as a replacement for the substantially damaged or destroyed property. This bill would require the assessor to establish an adjusted base-year value for the comparable replacement property in accordance with prescribed criteria, which provide for the transfer, in whole or in part, of the adjusted base-year value of the substantially damaged or destroyed property to the comparable replacement property, with adjustments in those situations in which the full cash value of the replacement property is lower than that of the damaged or destroyed property or is greater than 120% of the full cash value of the damaged or destroyed property.

This bill would apply to any comparable replacement property acquired or newly constructed on or after July 1, 1985.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would become operative only if SCA 28 is adopted by the voters and, in that event, would become operative, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 856 (SB 26) Mello. Senior citizens' shared housing.

Under existing law, there is a Senior Citizens' Shared Housing Program administered by the Department of Housing and Community Development. Pursuant to this program, the department selects nonprofit organizations to establish or continue programs that assist seniors in finding other seniors and nonseniors with whom to share existing

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housing units. Existing law permits the department to make up to 10% of the funds available to certain nonprofit organizations to provide technical assistance to certain nonprofit organizations which intend to establish those programs in areas where there is a demonstrated need and where no programs of this type exist. Under existing law, the methods for assisting senior citizens under the program include, but are not limited to, information contacts initiated with local landlords and volunteers utilized to find vacancy listings. Under existing law, the department is required to establish criteria to analyze the effectiveness of proposals. Existing law also requires the department to make a final report 6 months following the termination of each project under this program.

This bill would permit a nonprofit organization, as defined, or local public entity, as defined, to participate in the program and would make other conforming changes. It would permit the technical assistance funds to be used in instances where the program is already operating as of January 1, 1987, in areas where there is a demonstrated need for the program and would delete the requirement that no program of this type exists in that area. It would repeal the provisions that specify the methods for assisting seniors under the program.

It would require that the criteria established by the department for analyzing the effectiveness of proposals include the recognition of the special needs shown in proposals targeted toward the frail elderly, as defined

It would require, instead, that the department make a final report 6 months after the termination of the grant period for each round of funding.

Ch. 857 (SB 1781) Campbell Local government: incorporation: development agreements.

Existing law authorizes any city, county, or city and county to enter into a development agreement for the development of real property with any person who has a legal or equitable interest in the property.

This bill would additionally permit cities to enter into development agreements with respect to real property within the city's sphere of influence. The bill would provide that the agreement would not become operative unless annexation proceedings annexing the property to the city are completed within the period of time specified by the agreement.

This bill would also generally provide that certain development agreements entered into by a county shall remain valid if the territory subject to the agreement is subsequently incorporated, as specified

The bill would make conforming changes in another provision of law and would contain a declaration of legislative intent.

Ch. 858 (SB 1845) McCorquodale. Mentally disordered prisoners

Existing law, operative July 1, 1986, except as specified, provides for the required treatment of certain convicted felons with a severe mental disorder as a condition of parole, and for their continued treatment upon termination of parole or release from prison.

This bill would recodify those provisions without substantive change except, with respect to continued treatment of a person receiving treatment in a state mental hospital, to provide that the evaluation of a patient's remission is submitted to, and that the petition for continued treatment of a person is made by, the district attorney of the county of commitment

It would also change a reference from "cannot be kept in remission if treatment is not continued" to "cannot be kept in remission without treatment" and would make related changes.

Ch 859 (SB 2037) Morgan. Vehicles license plates

(1) Existing law prohibits various acts, committed with criminal intent, involving altered, forged, counterfeit, or falsified vehicle license plates.

This bill would impose a state-mandated local program by making it a misdemeanor, punishable by a fine of not less than \$500, for any person to manufacture or sell a

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decorative or facsimile license plate, as specified. The bill would permit the Director of Motor Vehicles to authorize the manufacture and sale of those license plates for special events or media productions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 860 (SB 1477) Doolittle. Prisoners: interstate transfers.

Under existing law, the Director of Corrections is authorized to contract on behalf of this state to implement participation in the Interstate Corrections Compact and the Western Interstate Corrections Compact, to send or receive prisoners to or from other states. That authority exists only to transfer prisoners from or to institutions under the jurisdiction of the Department of Corrections.

This bill would, upon the request of the board of supervisors of a county that is adjacent to another state, require the county sheriff to negotiate with appropriate officials of the adjacent state for the confinement of county jail prisoners in corresponding facilities of the adjacent state. It would authorize the sheriff, with the approval of the county board of supervisors, to enter into a contract. The bill would require the sheriff to determine that the corresponding out-of-state facilities are a suitable place of confinement of prisoners submitted to his or her custody and to annually redetermine the suitability as a precondition to any contract.

The bill would take effect immediately as an urgency statute.

Ch. 861 (SB 1542) Doolittle. Blood: parental donations

(1) Existing law does not have a provision which provides that no person shall prohibit a parent from donating blood to be used directly for that person's child when prescribed by a physician and surgeon, and from directing that blood donated by the parents be used in any blood transfusion to that person's child if the blood type is compatible with the child's blood type and the use of the blood is not contraindicated, as determined by a physician and surgeon.

This bill would make such a requirement, as specified, and authorize the blood donated under these requirements to be used for other persons under certain circumstances. This bill would impose a state-mandated local program since any violation would constitute a misdemeanor.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 862 (SB 2517) Keene. Commercial fishing salmon.

(1) Under existing law, until December 31, 1986, a person ; ~~who is not 70 years of age or older,*~~ is required to obtain a commercial fishing salmon stamp in order to take salmon for commercial purposes. Violation of this requirement is a misdemeanor. The funds collected from these stamps are designated for specific purposes relating to raising chinook salmon. ~~Existing~~ [Except for persons who are 70 years of age or older, existing]* law also, until January 1, 1987, provides for additional fees of \$55 to \$215, depending on specified salmon landings in excess of 6,000,000 pounds, for the commercial fishing salmon stamps, for appropriation for new or expanded salmon restoration and enhancement programs. A violation of these provisions is a misdemeanor.

This bill would combine the provisions relating to commercial fishing salmon stamps, [would]* change the termination date of the programs to January 1, 1992, [would make the 70-year age limitation apply to all licensees other than the owner or operator of a vessel, would]* allocate portions of the revenues, and [would]* provide for the issue of one commercial fishing salmon stamp for a crewmember to the owner or operator of a vessel, as specified. The bill would also increase the additional fee of \$85 to ~~\$245~~ [\$260]*,

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depending on specified salmon landings in excess of 3,000,000 pounds. Extending these provisions would continue the imposition of a state-mandated local program since the misdemeanor provisions would also continue.

(2) Existing law requires persons who operate or assist in operating any boat for profit from which other persons fish to obtain a commercial passenger fishing boat license.

This bill would require, until January 1, 1989, [the owner or operator of]* any commercial passenger fishing boat ~~operator~~ [which is operated in specified waters]* to obtain a commercial salmon fishing stamp for the operator and an additional stamp for each required crewmember, as specified. Violation of this requirement would be a misdemeanor; thus, the bill would impose a state-mandated local program by creating a new crime.

(3) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would provide new revenues to that fund, it would make an appropriation.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 863 (SB 1978) Campbell. Pipelines interstate safety

(1) Under existing law, the State Fire Marshal exercises safety regulatory jurisdiction over intrastate pipelines used for the transportation of hazardous liquid substances or highly volatile liquid substances, and establishes and collects an annual fee from each pipeline operator for these purposes.

This bill would expand the State Fire Marshal's jurisdiction under these provisions to include those portions of interstate pipelines located within this state pursuant to, and to the extent authorized by, an agreement between the State Fire Marshal and the United States Secretary of Transportation and would make those pipelines subject to the federal Hazardous Liquid Pipeline Safety Act of 1979 and federal pipeline safety regulations. The bill would impose a state-mandated local program since a violation of those provisions would, under other provisions, be a misdemeanor.

The bill would authorize the State Fire Marshal to assess and collect regulatory fees from interstate pipeline operators, if the agreement is entered into, and would make these fees available to the State Fire Marshal, upon appropriation by the Legislature, for these purposes. These fees would be deposited in the Interstate Pipeline Operations Account, which the bill would create in the California Hazardous Liquid Pipeline Safety Fund. The bill would also create the Intrastate Pipeline Operations Account in the fund.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would appropriate \$137,000 from the Interstate Pipeline Operations Account to the State Fire Marshal for purposes of the bill.

Ch 864 (SB 2243) Ellis. Transit development boards.

(1) Existing law establishes the San Diego Metropolitan Transit Development Board and prescribes its powers and duties.

This bill would impose a state-mandated local program by requiring the board to maintain accounting records in accordance with specified standards for public reporting purposes and for reporting of activities to the Controller. The bill would require that the activities of any nonprofit corporation or other legal entity wholly owned or controlled by the board and operating a public transit system be reported separately in the board's annual report to the Controller.

The bill would authorize the board to establish and maintain reserve funds for its

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planning, procurement, construction, and acquisition programs with money received from specified sources

(2) Existing law establishes the North San Diego County Transit Development Board with specified members and boundaries.

This bill would impose a state-mandated local program by requiring the appointment of a member to the board from each new city that incorporates within the board boundaries.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 865 (SB 2387) Doolittle. Juvenile court law.

Under existing law, the board of supervisors of any county is authorized to provide by ordinance that any bicycle or toy in the possession of the sheriff which has been unclaimed for a period of at least 3 months may, instead of being sold at public auction, be turned over to the probation officer or to the welfare department of that county for use in any program of activities designed to prevent juvenile delinquency.

This bill would extend the authorization to adopt the ordinance to the city council of any city. It would also allow the disposition of the unclaimed property where it has been unclaimed for at least 60 days, rather than 3 months, and it would allow the unclaimed property to be turned over to certain charitable or nonprofit organizations.

Ch. 866 (SB 2480) Ellis Elections.

Existing law provides a procedure for voting by absentee ballot by absent voters and special absentee voters, as defined.

This bill would provide that a special absentee voter request for an absentee ballot for the ensuing primary election shall be considered valid for the ensuing general election. It would provide that ballots cast in an all mail ballot election shall be returned to the elections official no later than 8 p.m. on election day.

Existing law requires that a printed copy of an initiative ordinance that is to be submitted to the voters at a county, municipal, or district election be mailed with a sample ballot to each voter prior to the election. It requires the county counsel or the city attorney to provide an impartial analysis of the measure not to exceed 500 words.

This bill would provide, instead, that a copy of an initiative ordinance shall be made available to a voter upon request, and would require the printing of a specified statement below the impartial analysis of the measure informing the voter where to call for a copy of the measure.

Existing law requires the Secretary of State, not less than 62 days before the general election, to deliver to each county clerk a certificate showing, among other things, the name of the primary election nominee.

This bill would require the notice to be delivered not less than 68 days prior to the general election.

Existing law permits a person who received the nomination to an office as a write-in candidate at a primary election to withdraw as a candidate at the ensuing general election by signing a written statement at least 74 days before the election.

This bill would delete this provision.

Existing law provides that no vacancy on a general election ballot shall be filled except by reason of the death of a candidate occurring at least 59 days prior to the general election.

This bill would provide that no such vacancy shall be filled except if the candidate dies and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 68 days prior to the general election.

Existing law sets the 59th day prior to the general election as the final date for requesting the county clerk to remove from the ballot the name of a candidate for superior court judge, for certifying the name of a person appointed to fill a vacancy because of the death of a candidate, and for ascertainment of the death of a candidate.

for purposes of printing the name of the candidate on the primary or general election ballot, and sets the 60th day prior to the primary election as the deadline for ascertaining the death of a candidate for a school district and community college district office for purposes of printing the candidate's name on the ballot.

This bill would change the final date from the 59th day to the 68th day prior to the election.

Existing law provides that the designation given by a candidate to appear under the name of the candidate on the ballot shall remain the same for the primary and general elections unless 70 days prior to the general election the candidate requests a different designation.

This bill would change the final request day to 83 days prior to the general election.

Existing law provides that the name of an incumbent judge of the superior court, justice court, or municipal court shall not appear on the ballot under specified circumstances unless, within 20 days after the deadline for filing nomination papers for the office, a petition for a write-in campaign is filed

This bill would change the date for filing a petition for a write-in campaign to 10 days after the deadline for filing nomination papers, and would change the date for filing such a petition at the general election from 59 to 68 days before the general election.

Existing law provides that an appointee to fill a vacancy in an elective office on the governing board of a special district shall hold office until the next district general election scheduled 90 or more days after the effective date of the vacancy. In lieu of appointment, the board may call an election 90 or more days after the vacancy occurs

This bill would revise these dates from 90 to 130 days and would make corresponding changes.

Existing law requires petitions to propose or revise a county charter be signed by at least 15% of the qualified electors of the county.

This bill would require the signatures of 10% of the qualified electors of the county

Existing law requires that the text of the proposed or revised county charter be printed and mailed to the voters prior to the election, as well as proposed amendments to the county charter, and proposed city or city and county charters.

This bill would provide, instead, that a copy of the proposal be made available to a voter upon request, and would require the inclusion of a statement in the impartial analysis notifying voters they may request a copy of the proposed measure.

Existing law requires that the question of proposed special taxes be submitted to the voters of a proposed community facilities district in a general or special election to be held at least 90, but no more than 180, days after the close of a protest hearing, whichever election date comes first.

This bill would revise those dates to at least 125 days but no more than 180 days.

Existing law requires the county clerk to mail to voters entitled to vote on the question of a proposed incorporation or reorganization of a local agency a ballot pamphlet which includes, among other things, the complete text of the proposition to be voted on.

This bill would delete the requirement that the ballot include a complete text of the proposition, and would require the inclusion of a statement below the impartial analysis of the measure notifying the voters they may request a copy of the proposition.

This bill would provide that the amendments made to Section 53326 of the Government Code shall not become operative if SB 1115 of the 1985-86 Regular Session of the Legislature is enacted, amends Section 53326, and becomes effective on or before January 1, 1987.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 867 (SB 2255) Keene. Fisheries restoration projects: funding.

The Fisheries Restoration Act of 1985 appropriates funds from the Fisheries Restora-

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tion Account in the Fish and Game Preservation Fund for each of the 1985-86 and 1986-87 fiscal years to be expended by the Department of Fish and Game for the construction, operation, and administration of projects designed to restore and maintain fishery resources and their habitat that have been damaged by past water diversions and projects and other water development activities

This bill would add the 1987-88 fiscal year to the years in which those funds may be expended, thereby making an appropriation, would limit second and subsequent year expenditures on multiyear projects, as specified, and would rename the act to be the Keene-Nielsen Fisheries Restoration Act of 1985.

Ch. 868 (SB 1797) Royce Preliminary examination.

Existing law provides with respect to a preliminary examination in a criminal case that the magistrate shall, upon motion of either party, exclude all potential and actual witnesses who have not been examined. Existing law also provides that a preliminary examination shall be open and public, but that the magistrate shall, at the request of the defendant and upon a finding that the exclusion of the public is necessary in order to protect the defendant's right to a fair and impartial trial, exclude all but specified persons, including one person for the moral support of the prosecuting witness.

This bill would authorize either party to challenge the exclusion of any person under this bill and it would require the magistrate, upon motion of either party, to hold a hearing, on the record, to determine if the person sought to be excluded is, in fact, a person excludable under this bill. It would, with respect to the preliminary examination, require the court to grant the prosecution's motion to allow the presence and seating of members of the alleged victim's family unless the exclusion is necessary to protect the defendant's right to a fair and impartial trial, or unless information or notice establishes that there is a reasonable likelihood that the attendance of members of the alleged victim's family poses a risk of affecting the content of the testimony of the victim or any other witness. It would also require the court to admonish members of the alleged victim's family, as specified, not to discuss any testimony with specified persons.

Ch. 869 (SB 799) Ellis Cuyamaca Rancho State Park transfer of surplus property.

Existing law authorizes the Director of General Services, in specified circumstances, to sell or otherwise dispose of any state real property declared surplus by the Legislature.

This bill, notwithstanding the above provisions, would authorize the director, with the consent of the Department of Parks and Recreation, to transfer without charge a portion of Cuyamaca Rancho State Park to the Mount Empire Unified School District and a portion of the park to the Descanso Community Water District. If the districts abandon or have no further need for property transferred under the act, the property would revert to the state and be included in Cuyamaca Rancho State Park.

Ch. 870 (SB 2618) Doolittle Enterprise zones disaster assistance.

Under the Enterprise Zone Act, the Department of Commerce is authorized to designate no more than 10 areas as enterprise zones based on applications submitted by cities or counties proposing the designation of areas within their respective jurisdictions based upon specified findings that those areas are depressed areas and in need of private sector investment.

This bill would, in addition, permit a city or a county with an enterprise zone designated by the Department of Commerce to propose, by ordinance or resolution, an expansion of the designated enterprise zone if the area proposed fulfills specified requirements.

These requirements include a requirement that the proposed area be found to be a depressed area, that it be contiguous with the designated zone and contain no more than 5% of the population and geographic area of the zone, that the area be included within a city or county for which the Governor has proclaimed a state of emergency under the California Emergency Services Act during the 12 months prior to the resolution or ordinance, and that the property loss within the area due to the disaster exceeds \$3,000,000.

The bill would require cities or counties to submit documentation to the Department

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of Commerce evidencing the fulfillment of these requirements.

The bill would provide that the Department of Commerce shall approve the proposed enterprise zone expansion only if it makes a finding that the above requirements have been met and that the expansion is consistent with the goals of the Enterprise Zone Act.

The bill would declare that it is to take effect immediately as an urgency statute, but would remain in effect only until June 30, 1987.

Ch. 871 (SB 86) Presley. Recycling of oil.

(1) Existing law requires hazardous wastes to be handled, stored, and used in accordance with certain provisions and regulations adopted by the State Department of Health Services.

The Used Oil Recycling Act prescribes requirements regarding the collection, storage, recycling, use, and disposal of used oil.

This bill would revise those provisions and enact other provisions for the regulation of used oil, as defined. The bill would define "recycled oil" and would require that used oil, except used oil meeting specified standards, which is regulated by the department, until it has been recycled, or oil which is not recycled, be handled as a hazardous waste.

The bill would prohibit any person from disposing of used oil in an unauthorized manner. The bill would require any person transporting used oil to register as a hazardous waste hauler with the State Department of Health Services, except as specified, and to annually report specified information to the department.

The bill would prohibit a person who generates or manages used oil from contaminating used oil or from accepting any oil, other than used oil, which has been contaminated with any hazardous waste, other than minimal amounts of vehicle fuel.

The bill would impose a state-mandated local program by requiring local governmental agencies which transport used oil to comply with these provisions and by creating new crimes regarding used oil.

The bill would prohibit a used oil hauler or used oil recycler from reapplying for registration or a permit for one year after revocation. The bill would also prohibit the hauler or recycler from being employed by a registrant during the period of revocation.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required for specified reasons.

Ch. 872 (SB 1670) McCorquodale. Mental health

Existing law provides for involuntary detention, evaluation, and treatment, as specified, for persons who are dangerous or gravely disabled due to mental illness.

This bill would impose a state-mandated local program by requiring that all persons detained for evaluation and treatment, who are receiving medications as a result of their mental illness, shall be given a written and oral notice regarding the probable effects and possible side effects of the medication and specified information orally.

Existing law provides that persons detained for involuntary treatment shall be released within 72 hours, referred for voluntary treatment, certified for intensive treatment, or have a conservator appointed for their protection. Certification for intensive treatment, as specified, allows involuntary treatment for an additional 14 days. The certification process includes a certification review hearing to be held within 7 days of the initial detention. Any person involuntarily detained has a right to a hearing by writ of habeas corpus.

This bill would provide that when applying the definition of mental disorder for these purposes, except for persons held for 72-hour involuntary detention other than by court order, the historical course of the person's mental disorder, as specified, be considered when it has a direct bearing on the determination of whether the person is dangerous or gravely disabled as a result of mental illness. The historical course may include evidence presented by persons who have provided, or are providing, mental health or related support services to the client, or evidence presented by family members or other persons designated by the patient.

This bill would provide that resistance to treatment, in and of itself, shall not imply

the presence of a mental disorder, and that the fact that a person is not an inpatient shall not imply that a person is not gravely disabled.

This bill would impose a state-mandated local program by requiring reasonable attempts be made to notify family members of the hearings unless the patient requests otherwise for certain hearings.

Existing law provides that an individualized treatment plan shall be developed by the community mental health service for each conservatee pursuant to the Lanterman-Petris-Short Act.

This bill would require that, when appropriate, the persons responsible for developing the treatment plan encourage participation by the conservatee and the conservatee's family in the plan.

Existing law provides that if conservatorship is recommended, the investigating officer's report to the court shall contain certain specified recommendations and shall contain an agreement certifying that the prospective conservator is willing and able to serve in that capacity.

This bill would impose a state-mandated local program by requiring the public guardian to serve as conservator of any person found by the court to be gravely disabled if the court recommends the conservatorship and finds that no other person or entity is willing and able to serve as conservator.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 873 (SB 1218) Keene. Decedents' estates. property acquired from a predeceased spouse

Existing law prescribes as one of several special rules for the devolution of real property interests, that if a decedent acquired real property interests from a predeceased spouse who died within 15 years prior to the death of the decedent, and the decedent does not leave a surviving spouse or issue, the real property interests pass to the surviving issue of the predeceased spouse.

This bill would provide that specified personal property interests aggregating \$10,000 or more in value and acquired from a predeceased spouse of the decedent who died within 5 years prior to the decedent, when the decedent leaves no surviving spouse or issue, pass to the surviving issue of the predeceased spouse in accordance with the distribution scheme applicable to real property under existing law. The bill would make related changes with respect to notice requirements.

Ch. 874 (SB 951) McCorquodale. Improvement acts. bonds.

(1) Under the Improvement Act of 1911, if any lot or parcel of land for which an improvement bond has been issued under the act is divided or combined, the bond may be surrendered and new bonds issued to the holder of the existing bond.

This bill would provide an alternative to that procedure for bonds meeting specified requirements. The bill would authorize, when a lot or parcel has been divided, including a division into condominium interests, or a portion of the lot or parcel has been transferred, the owner of any interest in the lot or parcel to file an application with a fee, as specified, with the legislative body, to apportion the amount remaining unpaid on the bond assessment. The bill would provide for the procedure to be followed in the application process, and would specify related matters.

(2) Under the Improvement Bond Act of 1915, unpaid assessments are payable in annual series corresponding in number to the number of series of bonds issued, or at more frequent intervals, as provided by the legislative body by resolution.

This bill would authorize a 2% per month penalty to be added to delinquent assessment installments, as specified, in lieu of any other penalty assessed by other provisions.

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of law.

(3) Under the 1915 act, the auditor is required to keep a record of installment payments to be collected on principal and interest on the assessments, and taxes, as specified. The auditor may add, in his or her records of payments to be collected, 1% of the amount of the installment and interest, as determined by the legislative body, not to exceed 5% to cover expenses of collection, but not to exceed \$3 per lot or parcel.

This bill would instead require the auditor to add a maximum of 5% of the amount of installments and interest entered on the records, not to exceed the city treasurer's estimate of expense of collection, and in no case to exceed \$8 per lot or parcel, except with the landowner's written consent.

The bill would, with respect to bonds issued under the 1915 act, require the legislative body to specify in its resolution of intention to issue the bonds, whether or not it will advance funds from its treasury to cure any deficiency which may occur in the bond redemption fund and would specify related matters.

The bill would authorize the legislative body to determine that bonds issued under the 1915 act shall not be subject to refunding until a date specified in the format of the bond which would not be more than 10 years after the issuance date of the bond.

The bill would allow certain costs associated with securing, maintaining, and making payments upon the exercise of, a letter of credit obtained to secure the payment or repurchase of variable interest rate bonds issued under the 1915 act, to be treated as incidental expenses.

(4) Under the 1915 act, the legislative body of a city or county is authorized to determine that bonds issued under the act be refunded under specified conditions.

This bill would require that the refunding of bonds under the act be pursuant to the Refunding Act of 1984. The bill would revise procedures for refunding bonds under the refunding act, including a revision of reassessment proceedings and of requirements for the issuance of refunding bonds.

(5) Under the Landscaping and Lighting Act of 1972, a city, county, or a special district may issue improvement bonds under the 1915 act to finance the installation or planting of landscaping, ornamental structures, lighting, and other facilities, as specified.

This bill would impose a state-mandated local program by requiring the county recorder to record maps of assessment districts and assessment diagrams filed by the clerk of the legislative body if improvement bonds are to be issued.

The bill would make other changes in the act if bonds are to be issued, including prohibiting specified acts which would impair the bonds.

(6) Under the Parking and Business Improvement Area Law of 1979, cities may impose assessments or charges on business within a parking and business improvement area, and use the proceeds for specified purposes for the benefit of businesses within the area.

This bill would make that law applicable to counties.

(7) The bill would make conforming changes.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(9) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 875 (SB 625) Presley Courts

(1) Existing law limits the compensation of superior court reporters in San Joaquin County for retirement purposes.

This bill would increase that limit, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law prescribes the number, compensation, and classification of employees of the Lodi Municipal Court District.

This bill would revise the number, compensation, and classification of employees of the Lodi Municipal Court District, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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(3) Existing law prescribes the number and compensation of employees of the Manteca-Ripon-Escalon-Tracy Judicial District.

This bill would revise the number and compensation of employees of the Manteca-Ripon-Escalon-Tracy Judicial District, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law provides for the number, compensation, and classification of municipal court personnel in Riverside County

This bill would revise the number, compensation, and classification of municipal court personnel in Riverside County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also eliminate provisions for unsalaried special deputy marshals in Riverside County.

(5) Existing law prescribes the number, compensation, and classification of employees of the Stockton Municipal Court District

This bill would revise the number, compensation, and classification of employees of the Stockton Municipal Court District, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(6) Existing law provided for the number, compensation, and classification of municipal court personnel in Sonoma County

This bill would revise the number, compensation, and classification of municipal court personnel in Sonoma County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

The bill would also authorize the appointment of, and compensation for, traffic referees and part-time traffic referees in Sonoma County, as specified

(7) Existing law provides for the compensation of superior and municipal court reporters, and the number, classification, and compensation of municipal court personnel, in Tulare County

This bill would revise the compensation of superior and municipal court reporters, and the number, compensation, and classification of municipal court personnel, in Tulare County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 876 (SB 958) Russell. Historical resources

(1) Under existing law, the State Historical Preservation Officer serves as executive secretary of the State Historical Resources Commission.

This bill would also provide that the officer or the officer's alternate, serve as an ex officio member of the Historic State Capitol Commission.

(2) Under the California Public Records Act, certain records are exempt from the requirement that public records be open to public inspection.

This bill would also exempt archeological site information maintained by the Department of Parks and Recreation or by the commission from that requirement

Ch 877 (SB 1509) Nielsen. Boating and waterways.

(1) Existing law authorizes the Department of Boating and Waterways to make loans to private marina owners for the development of recreational marinas, and authorizes the loan funds to be used for berthing facilities, parking, public access facilities, restrooms, utilities, landscaping, and other incidental boating-related amenities. Existing law limits the maximum amount of funds available for loans for these purposes to not exceed \$1,000,000 in the 1986-87 fiscal year, \$1,500,000 in the 1987-88 fiscal year, and \$2,000,000 in the 1988-89 fiscal year, and directs that these limitations be reviewed after the 1988-89 fiscal year.

This bill would restrict the use of these loan funds for only the facilities and amenities specified above and would delete the limitations on the maximum amount of funds available for loans for these purposes each fiscal year together with the requirement that

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they be reviewed after the 1988-89 fiscal year. The bill would require the department to prepare and submit to the Boating and Waterways Commission, by February 1, 1990, a report containing specified information relating to these loans together with its legislative recommendations.

(2) Existing law authorizes each member of the commission to receive a salary of \$50 a day not to exceed \$100 per month and reimbursement for actual and necessary expenses. Existing law also permits a member of the commission who is receiving benefits under the Legislators' Retirement System to waive his or her salary as a member and continue to receive full retirement benefits.

This bill would delete the provisions enabling a retired legislator to waive his or her salary and continue to receive full retirement benefits.

(3) Existing law prohibits the operation of any vessel or the use of water skis, aquaplanes, and similar devices recklessly or negligently so as to endanger life or property or while under the influence of intoxicating liquor or drugs, or both. Existing law requires the operator of a vessel involved in an accident to render assistance to other persons involved, so far as this is possible without serious danger to the operator's vessel, crew, and passengers, and to furnish identification to any person injured and the owner of any property damaged. Existing law does not specify a minimum age for the operator of any vessel.

This bill would require the operator of a vessel involved in an accident in the waters of this state who knows or has reason to know that the accident resulted in damage to any other property to stop at the scene of the accident, if reasonable to do so under the circumstances, and either locate and notify the owner of the property or the owner or operator of the other vessel involved and furnish specified information or leave that information in a conspicuous place and notify the law enforcement agency having jurisdiction or the sheriff. If the accident resulted in injury, the bill would also require the operator to furnish the required information, in addition, to the person injured, any other occupant of the other vessel, or to any peace officer, and to render reasonable assistance, including transportation of the injured for medical treatment if required or requested. If there is a death or disappearance of a person, the bill would require a report of the accident to the law enforcement agency having jurisdiction or the sheriff if no peace officer is at the scene, so far as can be done without danger to the vessel or passengers. The bill would specify that any person complying with these requirements incurs no civil liability.

The bill would make any person permitting any person under 12 years of age to operate a motorboat towing a person on water skis, an aquaplane, or a similar device, any motorboat designed to carry only one person, or any other motorboat of more than 10 horsepower except as specified, and any person under 12 years of age violating these provisions, guilty of an infraction.

The bill would impose criminal penalties for violation of the above provisions, thereby imposing a state-mandated local program

The bill would also authorize a peace officer to arrest without warrant a person involved in an accident when there is reasonable cause to believe the person was operating a vessel involved while under the influence of intoxicating liquor or drugs, or both.

(4) Existing law requires abstracts of convictions relating to the operation, equipment, and registration of vessels to be transmitted to the department.

This bill would delete that provision and related provisions.

(5) Existing law defines the crime of manslaughter to include the unlawful killing of a person without malice and classifies manslaughter as voluntary, involuntary, and vehicular.

This bill would include, within the classification of vehicular manslaughter, manslaughter committed during the operation of a vessel, as the term "vessel" is defined in the Harbors and Navigation Code, so as to conform the punishment therefor to the punishment provided for vehicular manslaughter.

(6) The bill would be known and cited as the Nielsen-Johnston Boating Act of 1986.

(7) The California Constitution requires the state to reimburse local agencies and

school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 878 (SB 1964) Bergeson. Lowfat milk.

(1) Existing law prescribes the content requirements for various types of fluid milk, cream, and dairy products. Existing law does not prescribe the contents of high nutrient lowfat milk.

This bill would prescribe the content and labeling requirements for high nutrient lowfat milk. Violation of these requirements would impose a state-mandated local program by creating a new crime.

This bill would make those provisions inoperative on July 1, 1988, and would repeal them as of January 1, 1989.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 879 (SB 2002) Russell. State-mandated local costs.

Existing statutory provisions contained in the Revenue and Taxation Code provide for the process by which claims by local governmental entities and school districts for reimbursement of "costs mandated by the state" either by statute or regulation could be made, heard, and initially determined by the State Board of Control, and, if allowed, could be paid by statute appropriating funds for that purpose. In general, these provisions applied to statutes enacted or executive orders issued after January 1, 1973.

Existing statutory provisions contained in the Government Code generally revise and supplant the claims process contained in the Revenue and Taxation Code. These provisions created the Commission on State Mandates to replace the State Board of Control and revised the definition of "costs mandated by the state" with regard to costs incurred after July 1, 1980, as a result of any statute enacted on or after July 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975. These provisions establish a specific procedure for state reimbursement of costs mandated by the state with regard to any bill introduced or amended on and after January 1, 1985, which the Legislative Counsel has determined will mandate a new program or higher level of service pursuant to Section 6 of Article XIII B of the California Constitution. With regard to these bills, the reimbursement is made directly from the State Mandates Claims Fund, a continuously appropriated fund, rather than going through the local government claims bill process, to the extent that the statewide cost of a particular claim does not exceed \$500,000.

These provisions also provide that all claims for reimbursement which have not been included in a local governmental claims bill enacted prior to January 1, 1985, would be transferred to and considered by the commission as claims filed on and after January 1, 1985, with the commission.

This bill would extend various deadlines in the Government Code relating to the submission of certain reimbursement claims.

This bill would delete various provisions in the Revenue and Taxation Code relating to the claims process which are obsolete or are duplicative of the Government Code provisions, would transfer various other provisions from the Revenue and Taxation Code to the Government Code, would delete various provisions of the Government Code which contain references to "costs mandated by the state" as defined by the Revenue and Taxation Code provisions, and would make various corrective or conforming changes in the Government Code provisions.

This bill would incorporate additional changes in Section 17551 of the Government Code, proposed by AB 3864, to be operative only if AB 3864 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

This bill would incorporate additional changes in Section 17552 of the Government

Code, proposed by AB 3864, to be operative only if AB 3864 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch. 880 (AB 3861) Peace. Contractors' complaints.

Existing regulations adopted pursuant to the Contractors' State License Law provide that the registrar of contractors shall make available to members of the public the nature of all complaints on file against a licensee which have been referred for legal action within the one-year period prior to the date of the request.

This bill would require the registrar to make available to the public the nature and disposition of all complaints on file against a licensee which have been referred for legal action, and not just those which have been referred for legal action within the one-year period prior to the date of the request.

Ch. 881 (AB 4169) Bane. Healing arts.

Existing law provides that it is unlawful for specified licensed healing arts practitioners to charge, bill, or otherwise solicit for payment from a patient on behalf of, or refer a patient to, an organization in which the licensee, or the licensee's immediate family, has a significant beneficial interest, unless the licensee first discloses in writing to the patient that there is such an interest and advises the patient regarding other alternative services, if available. A violation of this provision is a misdemeanor.

This bill would also, on and after July 1, 1987, require disclosure of that interest to any 3rd-party payer for the patient when requested by the payer. It would prohibit the payer from making such a request of the provider more than once a year.

This bill would impose a state-mandated local program because it would create a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 882 (SB 2360) McCorquodale. Public employees.

(1) Existing law provides that persons employed by the Legislature for two or more consecutive years with no mandatory civil service return right shall be eligible to apply for promotional civil service examinations including examinations for career executive assignments for which they meet the minimum qualifications as prescribed by the class specification.

This bill would delete the limitation of this section to only those legislative employees who have no mandatory civil service return right.

(2) The existing Public Employees' Retirement Law presently prescribes the state's employers' rates of contribution for fiscal year 1985-86 for the various categories of state members, requires the Board of Administration, pursuant to specified actuarial valuations, to adjust those rates from time to time, and appropriates the contributions monthly to the fund.

This bill would state the statutory state employers' rates of contribution for fiscal year 1986-87 at specified rates.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 883 (SB 2616) Carpenter. Absentee voting.

Existing law provides that a special absentee voter, as defined, must apply for a ballot prior to every election for which the voter is eligible to vote.

This bill would impose a state-mandated local program by providing that the special absentee voter's ballot application for a primary election shall be deemed valid for the subsequent general election.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other

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procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 884 (SB 1934) Deddeh Attorney's fees.

Existing law provides that in any action on a contract, where it specifically provides that attorney's fees and costs, which are incurred to enforce the contract, shall be awarded to either one of the parties or to the prevailing party, then the party who is determined to be the prevailing party, whether or not the party specified in the contract, shall be entitled to reasonable attorney's fees in addition to costs and necessary disbursements.

This bill would provide that, except as otherwise provided by law or where waived by the parties to an agreement, in any action on a contract based on a book account, as defined, entered into on or after January 1, 1987, which does not provide for attorney's fees and costs, the party who is determined to be the prevailing party on the contract shall be entitled to reasonable attorney's fees in addition to other costs. This bill would require reasonable attorney's fees to be fixed by the court in an amount that would not exceed the lesser of \$500 or 25% of the principal obligation owing under the book account, except that if a party is found to have no obligation owing on a contract, the award could not exceed \$500.

This bill would provide that if there is a written agreement between the parties signed by the person to be charged, the fees provided by this bill shall not be imposed unless that agreement contains a statement that the prevailing party in any action between the parties is entitled to the fees provided by this bill.

This bill would provide that these provisions shall not apply to any action in which an insurance company is a party, nor shall an insurance company, surety, or guarantor be liable under these provisions, in the absence of a specific contractual provision, for the attorney's fees and costs awarded a prevailing party against its insured.

This bill would provide that these provisions shall not apply to any action in which a bank, a bank holding company, a subsidiary of a bank or holding company, a savings association, federal association, a subsidiary of an association, or a holding company or an association is a party.

Ch. 885 (SB 1086) Nielsen Upper Sacramento River: fisheries and riparian habitat.

(1) Under the Wildlife Conservation Law of 1947, the Wildlife Conservation Board may authorize the Department of Fish and Game to acquire real property for the benefit of wildlife.

This bill would require the board by January 1, 1988, to inventory the lands along the upper Sacramento River, as described, to identify and determine the priority of those lands that are valuable to fish and wildlife. The bill would prescribe related matters.

(2) Existing law does not provide for an Upper Sacramento River Fisheries and Riparian Habitat Advisory Council.

This bill would create that council composed of specified members, and would require the advisory council to develop, for submission to the Legislature, the Upper Sacramento River Fisheries and Riparian Habitat Management Plan to provide for the protection, restoration, and enhancement of fish and riparian habitat and associated wildlife for the area between the Feather River and Keswick Dam. The bill would provide for an action team with specified members to develop proposed plan elements. The bill would specify related requirements for preparation of the management plan. The bill would require the advisory council to submit the management plan to the Legislature by January 1, 1989. These provisions of the bill would be repealed on January 1, 1989.

(3) The bill would appropriate \$250,000 from the California Environmental License Plate Fund, with \$150,000 to the Wildlife Conservation Board for the inventory and \$100,000 to the Secretary of the Resources Agency for the preparation of the management plan.

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Ch. 886 (SB 327) L. Greene. School facilities.

(1) [The Leroy F. Greene State School Building Lease-Purchase Law of 1976 authorizes the State Allocation Board to provide state funding to eligible school districts for the construction of school facilities.] ~~Existing law creates~~ [Under existing law, that funding is allocated from]* the continuously appropriated State School Building Lease-Purchase Fund:

This bill would specify that the State Allocation Board may apportion funds to school districts for capital outlay projects from funds transferred to that fund from any source. This provision would constitute an appropriation.

(2) This bill would authorize the board to establish a revolving loan account within that fund and to allocate from the fund to that account those amounts it determines to be necessary for ~~specified purposes~~. [loans to applicant districts for advance planning and related administrative costs pursuant to the preparation of project applications.]*

(3) Existing law requires the State Allocation Board to require school districts to make all necessary repairs, renewals, and replacements to ensure that a project is kept in good repair, working order, and condition, and provides that all costs incurred for that purpose are to be borne by the school district.

This bill would provide that, prior to the approval of a project, applicants shall be required by the State Allocation Board to establish a restricted fund to provide moneys for regular maintenance and routine repair of school buildings, and to agree to deposit in that fund each fiscal year, as specified, a minimum amount equal to or greater than 2% of the applicant's General Fund budget for that fiscal year. This latter requirement would be applicable only to specified school districts

(4) Existing law authorizes the State Allocation Board to approve an application submitted by a school district under certain provisions of the Leroy F. Greene State School Building Lease-Purchase Law of 1976 in an amount not to exceed that applied for by the district

This bill would authorize the board to approve a supplemental apportionment for certain school districts as reimbursement for administrative expenses incurred by the district in filing the application for the project.

The bill also would impose specified conditions upon the approval of any project for the modernization of any school facility, as defined

~~This bill would permit applicant school districts to increase the allowable building area of any project where the increase is funded other than from state programs administered by the State Allocation Board. Any such increase in building area in a project for which construction commenced on or after January 1, 1987, would be excluded from the calculation of existing building area, except as otherwise specified, for the purposes of all subsequent applications by the district for project funding.~~

[This bill would establish eligibility criteria for the approval of any reconstruction project and the level of funding for reconstruction projects, in an amount not to exceed the total cost of the project or 75% of the replacement cost of the facility to be reconstructed, whichever is less]*

(5) Under existing law, applicant school districts are eligible for reimbursement by the State Allocation Board from the county school lease-purchase fund for expenditures, or commitments therefor, made prior to the board's approval of a project, where specified conditions are met, including the requirement that the expenditures or commitments were made not more than 2 years prior to the approval of a project

This bill would revise this requirement by extending this period to 4 years.

(6) Under existing law, a school district is eligible for funding under the State School Lease-Purchase Law of 1976 only if its total area of existing and proposed building area per unit of estimated average daily attendance does not exceed specified levels. For purposes of this calculation, enrollment projections are not permitted for a longer time than the 3rd fiscal year for an elementary school project, or, for a junior high school or high school project, the 4th fiscal year, beyond the fiscal year in which the district's funding application is made.

This bill would instead require the applicant district to submit enrollment projections for the 3rd fiscal year, for a project for kindergarten or any of grades 1 through 6, or,

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for a junior high school or high school project, the 4th fiscal year, beyond the fiscal year in which the district's funding application is made.

[This bill would permit applicant school districts to increase the allowable building area of any project where the increase is funded other than from state programs administered by the State Allocation Board. Any such increase in building area in a project for which construction commenced on or after January 1, 1987, not to exceed 110% of the area that would be allowed under applicable state standards, would be excluded from the calculation of existing building area for the purposes of all subsequent applications by the district for project funding.]*

This bill would also provide that, as to any applicant district providing 50% or more of the costs of the project, as specified, the enrollment projection could be based, at the district's request, upon a period of time up to and including 2 years longer than the period of time described above. As to enrollment projections under any subsequent project application, the district would be entitled to require that the periods of time described above be applied.

(7) Existing law requires the State Allocation Board, by rule, to provide for the manner of determining the area of adequate school construction in any applicant school district, and to determine building areas that are to be included or excluded.

This bill would exempt from this area so determined, in any school operated on a year-round schedule, any building area that has been in continuous use during the preceding 5-year period primarily for the operation of any preschool program or programs

This bill would exclude, from the computation of the area of adequate school construction, the area of certain nonclassroom space constructed with donated or bequeathed funds, or that was donated or bequeathed. This bill would also authorize the board to exclude the square footage of any facility no longer usable for school purposes.

(8) Under existing law, portable classrooms are included in the computation of the area of adequate school instruction, subject to specified exceptions.

This bill would add a definition of the term "portable classrooms" for this purpose [, and would limit to 12 years the total period of time that leased portable classrooms are categorically excluded from that computation]*.

This bill would authorize any school district, in filing or amending a project application on or after January 1, 1987, to base the calculation of its area of existing adequate school construction on an alternative formula, as specified, based upon computations involving the instructional space in the district as of January 1, 1986, and maximum pupil loading figures for each grade level in effect on January 1, 1986, as specified. The bill would provide that in no event may this figure be more than the maximum pupil loading standards established by the board or less than three pupil units lower than those maximum pupil loading standards. This bill would provide an alternative pupil loading standard for school districts participating in a class size reduction program, as specified.

(9) Existing law establishes the maximum allowable area of school building construction for each school district applying to have a project approved under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, based generally on average daily attendance in the grade levels maintained by the district.

This bill would increase the prescribed maximum allowable areas of school building construction for an applicant district to 107% of the area otherwise allowable.

(10) Existing law requires the allowable new building area for the purpose of providing facilities for mentally retarded and physically handicapped pupils to be computed in accordance with regulations adopted by the State Allocation Board.

This bill would, instead, establish a schedule for the calculation of allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities, as prescribed.

(11) Existing law provides that whenever at least 10% of the allowable new building construction contained in an application is to be utilized for relocatable structures, an additional 3 square feet of building area shall be allowed. Current law makes provision for any additional percentage of relocatable structures utilized above 10%.

This bill would repeal those provisions.

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This bill, instead, would require that, except as specified, of new building construction under any project, at least 30% be utilized for relocatable structures in the case of facilities for kindergarten, any of the grades 1 to 12, inclusive, special education, or continuation high school purposes.

(12) Existing law ~~authorizes~~ [sets forth certain conditions upon the apportionment of funds by]* the State Allocation Board ~~to apportion funds*~~ to school districts for capital outlay projects from funds transferred to the State School Building Lease-Purchase Fund from certain state tidelands revenues.

This bill would repeal these provisions

(13) Existing law authorizes the State Allocation Board to acquire portable classrooms and lease those facilities to qualifying school districts and county superintendents of schools, as specified

This bill would authorize the board to empower any such lessee to act as the board's agent in performing any act authorized, as specified, for this purpose.

(14) Existing law requires school districts to make nonuse payments to the state with respect to school sites not used for school purposes for a specified number of years

This bill would exempt from this requirement any site valued at \$20,000 or less. This figure would be annually adjusted for inflation by the State Allocation Board, commencing January 1, 1988

(15) Existing law requires the Department of General Services to supervise the design and construction of school buildings, as specified

This bill would further provide that no school district may construct or reconstruct any school building, regardless of the source of funding, unless, as specified, the project is certified by the district architect to comply with the construction cost and allowable area standards of the Leroy F. Greene State School Building Lease-Purchase Law of 1976, or, alternatively, the governing board of the district agrees that any construction that exceeds those construction costs and allowable area standards, or any allowable building area computed for an attendance area, as specified, shall be deducted from the district's allowable building area in the subsequent application by the district for state funding for school facility construction.

(16) Existing law authorizes the governing board of any school district to lease relocatable structures or permanent school buildings for a term extending to the period of the expected duration of use by the district, but not to exceed 10 years.

This bill would, instead, authorize the governing board of any school district to lease relocatable structures for a term extending to the expected duration of use by the school district, but not to exceed 20 years, or permanent school facilities for a term extending to the expected duration of use by the school district, but not to exceed 30 years.

(17) Existing law authorizes the governing board of a school district to let, at a minimum rental of one dollar a year, to any person, firm, or corporation any real property which belongs to the district if the instrument by which that property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term thereof, and provides that title to that building shall vest in the school district at the expiration of that term. Current law provides that the instrument may provide for the means or methods by which that title shall vest in the school district prior to the expiration of that term, and shall contain such other terms and conditions as the governing board may deem to be in the best interest of the school district.

This bill would provide that any rental of property that complies with those provisions shall be deemed to have thereby required the payment of adequate consideration for purposes of specified provisions of the California Constitution.

(18) Existing law provides that the governing board of a school district may sell or lease any building of the district and the site upon which the building is located if certain conditions exist. One of the conditions specified is that the sale or lease is to be executed for consideration reflecting the fair market value or fair rental value, as appropriate.

This bill would allow the sale to be executed for consideration less than fair market value if specified conditions are met [relative to the historical use of the property]*

(19) Existing law authorizes a school district governing board to establish a restricted

fund to be known as the "district deferred maintenance fund," and provides that each district that budgets a specified amount in that fund in any given fiscal year is eligible for an apportionment of state matching funds from the State School Deferred Maintenance Fund.

This bill would authorize the apportionment of certain deferred maintenance funding, in addition to the funding provided under existing law, to any school district that meets specified criteria, including the requirement that the district match the additional apportionment amount with an equal amount of local funds that have not been previously used as a match for state aid.

(20) Under existing law, a school district that operates on a year-round basis because of overcrowding is entitled [to]* an allowance in addition to any other apportionment or allowance authorized or required by law.

This bill would provide for additional year-round education incentive payments to school districts that meet specified criteria.

~~This bill also would require the board to allocate to school districts it selects, funding for the expenses of air conditioning equipment and insulation materials.*~~

(21) Existing law generally permits an agency to pay to any taxing agency with territory located within a project area, including school districts, any amount of money which the agency finds is necessary and appropriate to alleviate any financial burden or detriment caused to that taxing agency by a redevelopment project. Existing law also permits a redevelopment agency to pay for land or buildings that are publicly owned, under certain circumstances.

This bill would require a redevelopment agency to conduct a public hearing if the governing body of a school district finds, and notifies the agency, as specified, that conditions of overcrowding exist in one or more attendance areas within the district that serve pupils who reside in housing located within or adjacent to a project area and that the conditions of overcrowding result from actions taken by the agency in implementing any redevelopment plan adopted before January 1, 1987. [1984.]* At the hearing, public testimony would be taken identifying the fiscal effects of the redevelopment plan on the impacted attendance areas and suggesting possible revisions to the plan that would alleviate or eliminate that overcrowding. The bill would require the agency, after receiving that testimony, to consider amendments to the plan necessary to alleviate or eliminate that overcrowding and would permit the agency to recommend those amendments for adoption by the legislative body. The bill would make certain provisions of existing law relating to the creation of a fiscal review committee inapplicable under specified circumstances. The bill would impose a state-mandated local program by requiring redevelopment agencies to send written notice of the public hearing to affected taxing agencies and to conduct the public hearing.

(22) Existing law requires that school districts let any contracts involving an expenditure of more than \$15,000 for work to be done, or \$21,000 for materials or supplies to be provided, to the lowest responsible bidder, as specified.

This bill would specify that, as to contracts for which bids are required under existing law, and that are entered into by a school district pursuant to the funding approval of a district project under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the governing board of the district may require each prospective bidder to complete and submit to the district a standardized questionnaire and financial statement, as specified, to be used by the district to determine the size of contracts on which the bidder shall be deemed qualified to bid. This bill would also require that each prospective bidder employ a standardized proposal form to be furnished by the district, which proposal form shall not be accepted from any bidder who has failed to comply with any required prequalification procedure, as specified.

(23) This bill would require the Legislative Analyst to report to the Legislature on or before January 1, 1990, regarding the value of year-round education incentive funding pursuant to this bill in reducing the need for school facility construction.

(24) This bill would require the State Allocation Board to review the funding priorities it has established pursuant to existing law to reflect the changes to current law made by this bill.

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This bill also would provide that applications for state funding filed with the State Allocation Board on or before January 1, 1987, shall take priority over applications submitted after that date under revised standards.

(25) This bill would appropriate \$150,000 from the State School Building Lease-Purchase Fund to the Department of General Services, Office of Local Assistance, for the purpose of contracting with the Office of the Legislative Analyst for a study relating to school facilities construction financing. The bill would require the contractor to submit a preliminary report on or before August 1, 1987, and a final report on or before January 10, 1988. The bill would require the Department of General Services, Office of Local Assistance, to report to the Office of the Legislative Analyst on or before November 1, 1988, on the status of the implementation of the recommendations made by the study contractor.

(26) This bill would provide that it shall become operative only if AB 2926 is enacted and becomes effective on January 1, 1987.

(27) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 887 (AB 2926) Stirling. School facilities.

(1) Under existing law, cities and counties are authorized to impose developer fees, as a condition of the issuance of building permits, to pay certain school construction costs.

This bill would impose a state-mandated local program by prohibiting cities and counties from issuing building permits absent certification from the appropriate school district governing board that the development is in compliance with any developer fee requirement imposed by that governing board.

This bill would also grant the authority to school district governing boards to impose developer fees, subject to specified limits, would prohibit the imposition of other developer fees, excepting certain statutory fees and requirements relating to interim school facilities, and would limit the methods of mitigating environmental effects relating to the adequacy of school facilities. These limits and prohibitions would be repealed if the voters of this state fail to ratify any state general obligation bond measure for school construction purposes in any primary or general election.

[This bill would exempt from those developer fee limits contracts entered into, or to be entered into, pursuant to a school facilities master plan administered by a joint powers authority for a designated community plan area adopted on or before September 1, 1986, as specified, where the school district or districts involved actively pursue in good faith an application for preliminary determination of eligibility for project funding under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, and the establishment of permanent financing mechanisms to reduce or eliminate developer fees.

This bill would, in addition, authorize school districts to apply the revenues from developer fees to certain financial obligations including bonds issued by the California School Finance Authority and loans, leases, or other installment agreements that secure bonds issued by the authority, as specified.]*

(2) The Leroy F. Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of school facilities by the state and the lease-purchase of those facilities by school districts. This bill would impose a local matching share requirement for the building cost portion of any project for the new construction or rehabilitation of school facilities. This matching share would be measured as the amount that would result from the application of the maximum developer fee the district is statutorily authorized to impose upon all new residential, commercial, and industrial construction occurring in the district over a designated period of time, as specified. This requirement would be repealed if the voters of this state failed to ratify any state general obligation bond measure for school construction purposes in any primary or general

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election.

(3) Existing law provides that not more than \$200,000,000 of the money authorized under the State School Building Lease-Purchase Bond Act of 1984 for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts may be reserved for the rehabilitation or modernization of facilities. Of those reserved moneys, the State Allocation Board may reserve not more than \$25,000,000 for school districts to acquire sites and construct school facilities for school sites that are in severe need of the apportionment, based upon specified criteria relating to inadequacies due to increased enrollment.

This bill would base the determination of severe need upon conditions established by the board, which would include, but not be limited to, those specified criteria.

This bill would also provide that, of the amount of \$360,000,000 authorized for the reconstruction or modernization of school facilities [under the Greene-Hughes School Building Lease-Purchase Law of 1986]*, as specified, the board may reserve up to and including 10% for school districts that are determined to be in severe need of apportionment for this purpose.

(4) Pursuant to existing law, the State Allocation Board is granted authority to, among other things, own, maintain, and lease portable classrooms to qualifying school districts.

Existing law provides that the board shall make available to the Director of the State Department of General Services, in amounts which it determines necessary for provision of classrooms, any funds available to the board for this purpose from the State School Building Aid Fund.

This bill would provide that, notwithstanding any other provision of law, the board may make available to the Director of General Services up to \$15,000,000 annually from any funds available to the board for purchase of portable classrooms. This authorization would constitute an appropriation to the extent it authorizes any existing appropriation to be expended for a new purpose.

(5) Under existing law, the State Lands Commission is required with certain exceptions, to deposit tidelands revenues, moneys, and remittances in the State Treasury, and to allocate the moneys to specified obligations in a specified order. Pursuant to this requirement, the State School Building Lease-Purchase Fund is entitled to an allocation of \$150,000,000 in each of the fiscal years 1985-86, 1986-87, 1987-88, and 1988-89.

This bill would extend that allocation entitlement to the 1989-90 and 1990-91 fiscal years.

[(6) Under existing law, school districts may apply to the State Board of Education for a waiver, or a renewal of a waiver, for up to 2 years, of certain provisions of the Education Code. Subject to designated conditions, certain provisions may be waived that require school districts to offer surplus property to other local public agencies prior to selling or leasing the property.

This bill would provide that a waiver, or a renewal of a waiver, of those surplus property provisions may be for up to 3 years. This bill would also specify that any school district property that is the subject of a long-term lease entered into during a waiver period shall continue to be exempt from those surplus property provisions for the term of the lease.

(7) Existing law requires school districts to make nonuse payments to the state with respect to school sites not used for school purposes for a specified number of years.

This bill would reduce the amount of those payments by the amount of the matching fund expenditure made by a school district pursuant to project funding under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, or of the district's payment of bond debt service costs that are directly related to the actual construction of school facilities.]*

~~(6)~~ [(8)]* This bill would appropriate \$30,000,000 from designated federal oil over-charge funds received by the state to the State Allocation Board without regard to fiscal year for allocation to school districts for school air-conditioning and insulation needs pursuant to the operation of year-round educational programs, as specified.

~~(7)~~ [(9)]* This bill would specify that its provisions would become operative only if SB 327 is enacted and becomes effective on January 1, 1987.

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~~(8)~~ [(10)]* The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 888 (SB 2068) Seymour. School facilities.

(1) The Leroy F. Greene State School Building Lease-Purchase Law of 1976 authorizes the State Allocation Board to provide state funding to eligible school districts for the construction of school facilities.

This bill would require, in the calculation by the State Allocation Board of an applicant district's allowable building area, that the board provide that building area for covered unenclosed space, as defined, shall be counted as $\frac{1}{3}$ of the actual area

[This bill would also exempt from that allowable building area, in any school operated on a year-round schedule, any building area that has been in continuous use during the preceding 5-year period primarily for the operation of any preschool program or programs.

(2)]* Under existing law, the total area of portable classrooms of an applicant school district that exceeds 10% of the district's total area is exempted from the calculation of the adequate school construction of the district.

This bill would permit the district to alternatively exempt the total area of portable classrooms in the attendance area of the project that exceeds 10% of the total attendance area. This bill would also ~~extend~~ [limit]* the period of time for which the area of leased portable classrooms may be exempted, as specified.

[(3) Existing law provides that whenever at least 10% of the allowable new building construction contained in an application is to be utilized for relocatable structures, an additional 3 square feet of building area shall be allowed.

Senate Bill No. 327, among other things, would repeal that provision and, instead, would require that, except as otherwise specified, of any new building construction under any project approved under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, at least 30% be utilized for relocatable structures in the case of facilities for kindergarten, any of the grades 1 to 12, inclusive, special education, or continuation high school purposes.

This bill would supplement the provisions added by SB 327 by reenacting the provision of existing law described above.]

~~(2)~~ [(4)]* Existing law authorizes a school district governing board to establish a restricted fund to be known as the "district deferred maintenance fund," and provides that each district that budgets a specified amount in that fund in any given fiscal year is eligible for an apportionment of state matching funds from the State School Deferred Maintenance Fund. SB 327 would authorize the apportionment of certain deferred maintenance funding, in addition to the funding provided under existing law, to any school district that meets specified criteria, including the requirement that the district match the additional apportionment amount with an equal amount of local funds that have not been previously used as a match for state aid. ~~This~~

[This]* bill would ~~revise the criteria which a district would be required to meet~~ [reduce the maximum amount of that supplemental apportionment from 1% of specified district funding to $\frac{1}{2}$ of those funds]*

This bill would exempt from the amount of rent for which a school district is liable to the State Allocation Board for any project, the amount of revenues from the sale or lease of surplus property that are applied by the district to its matching fund obligation under the project, which obligation would be imposed under AB 2926.

Also proposed for adoption under AB 2926 is a provision authorizing the governing board of any school district to levy a fee, charge, dedication, or other form of requirement upon any development within the district, for the purpose of funding school construction.

This bill would specify that this obligation may be imposed on any new commercial or industrial construction and, as to residential developments on any new construction, or other construction to the extent of the resulting increase in habitable space.

~~(3)~~ [(5)]* Under existing law, the State Lands Commission is required with certain exceptions, to deposit tidelands revenues, moneys, and remittances in the State Treasury, and to allocate the moneys to specified obligations in a specified order. Pursuant to this requirement, the State School Building Lease-Purchase Fund is entitled to an allocation of \$150,000,000 in each of the fiscal years 1985-86, 1986-87, 1987-88, and 1988-89.

This bill would extend that allocation entitlement to the 1989-90 and 1990-91 fiscal years

~~(4)~~ [(6)]* This bill would specify that these provisions would become operative only if AB 2926 and SB 327 are enacted and become effective January 1, 1987

Ch 889 (AB 3470) M. Waters. School facility construction.

The Leroy F. Greene State School Building Lease-Purchase Law of 1976 authorizes the State Allocation Board to provide state funding to eligible school districts for the construction of school facilities. Under existing law, the total area of portable classrooms of an applicant school district that exceeds 10% of the district's total area is exempted from the calculation of the adequate school construction of the district.

This bill would permit the district to alternatively exempt the total area of portable classrooms in the high school attendance area of the project that exceeds 10% of the total attendance area. This bill would limit to 12 years the period of time for which the area of leased portable classrooms may be exempted, as specified.

This bill would exempt from the calculation of adequate school construction of the district, in the alternative to the 10% area exemption, 75% of all portable classrooms leased or owned by the school district for 20 years or more.

This bill would specify that these provisions would become operative on January 1, 1987, and then only if SB 327 is enacted and becomes effective January 1, 1987. This bill would also specify the legislative intent that these provisions prevail over certain conflicting provisions of SB 327 and SB 2068.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 890 (SB 2516) Keene. Transportation: appropriation.

The Budget Act of 1986 made appropriations to the Department of Transportation for local assistance during the 1986-87 fiscal year.

This bill would appropriate \$35,000,000 of petroleum violation escrow funds received by the state from a specified court decision to the State Energy Resources Conservation and Development Commission for allocation by the Controller to the Transportation Planning and Development Account in the State Transportation Fund. The bill would transfer \$29,555,000 from the Transportation Planning and Development Account to the State Highway Account in the fund and would appropriate that amount to the Department of Transportation for local assistance.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 891 (SB 759) Keene. Education.⁸

This bill would appropriate \$106,725,000 to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to school districts, on the basis of the prior year's entitlements plus 1%, for any allocation entitlement that can be applied by the districts as unrestricted General Fund income.

This bill would provide that it makes an appropriation for the usual current expenditures of the state and shall take effect immediately.

Ch. 892 (AB 3216) Robinson. Public assistance: Budget Act of 1986.⁹

This bill would appropriate \$17,637,000 from the General Fund to the State Department of Social Services for local assistance for specified social services programs and another \$50,000,000 from that fund to the State Department of Health Services for the medically indigent services program, in augmentation of specified items of the Budget

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Act of 1986.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 893 (AB 3383) Moore. Public Utilities Commission: decisions and orders.

Existing law provides for the conduct of Public Utilities Commission hearings by administrative law judges who are required to file a proposed decision with the commission and serve it on all parties without undue delay after the matter is submitted for decision which, in the case of a proceeding involving an electrical, gas, or telephone corporation or a highway carrier, is specified to be not later than 90 days after submission.

This bill would revise these provisions to authorize the administrative law judge to receive and exclude evidence offered in the hearing in accordance with the rules of practice and procedure of the commission. The bill would require the administrative law judge to file and serve the proposed decision in every proceeding within 90 days, and would require the commission to issue its decision in the proceeding not sooner than 30 days following the filing and service of the proposed decision by the administrative law judge.

The bill would appropriate \$85,000 to the commission for the employment of 2 additional administrative law judges and one additional clerk during the 1986-87 fiscal year, with specified amounts from the Public Utilities Commission Utilities Reimbursement Account and the Public Utilities Commission Transportation Reimbursement Account in the General Fund and the Transportation Rate Fund

Ch. 894 (AB 3101) Sher Wild and scenic rivers.

(1) Under the California Wild and Scenic Rivers Act, specified rivers and segments thereof are included within the California Wild and Scenic River System and are subject to specified protections. The Secretary of the Resources Agency may recommend to the Legislature other rivers or segments which qualify for inclusion in the system

This bill would designate specified segments of the Carson, West Walker, and McCloud Rivers for potential additions to the system, and would require the secretary to study and submit to the Governor and the Legislature reports on the suitability or nonsuitability of those additions to the system not later than January 1, 1989. The bill would include those river segments within the protections afforded to wild and scenic rivers until January 1, 1990. The bill would exempt specified projects on the McCloud River from requirements of the act.

(2) Under existing law, the Eel River and segments thereof are included within the system, but the Department of Water Resources is authorized to undertake technical studies concerning the need for dams for water supply and flood control purposes on the Eel River and its tributaries

This bill would delete that authority and related legislative intent provisions.

Ch. 895 (AB 3716) Statham. Elderly abuse.

Existing law requires the State Department of Social Services to select at least 5 county adult protective service agencies, with the consent of each county, to operate model projects which may provide various types of adult protective services, as defined, until July 1, 1988.

This bill would authorize members of multidisciplinary teams, as defined, to disclose to one another information and records which are relevant to the prevention, identification, and treatment of abuse of elderly or dependent persons, but would specify that personnel of the team are otherwise subject to the same obligations and penalties for disclosure as the person providing the information.

Ch. 896 (AB 3481) Harris. State employee discrimination.

Existing law prohibits discrimination against state civil service employees or employee applicants, on the basis of sex, race, religious creed, color, national origin, ancestry, marital status, or physical handicap.

This bill would permit any person claiming discrimination under these provisions to file a complaint, in writing, with the appointing authority, or with the State Personnel

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Board, in accordance with board rules, which shall state the name of the appointing authority, and the name of the person or persons alleged to have committed the unlawful discrimination and any other information required by the board.

This bill would also allow an appointing authority, when any of the appointing authority's employees refuse, or threaten to refuse, to cooperate in an investigation of a complaint of discrimination to seek assistance from the board.

The bill would also limit the period of time in which a complaint could be filed under these antidiscrimination provisions, to one year after the date of the discrimination, except that this period may be extended for not more than 90 days if the person allegedly aggrieved by unlawful discrimination first obtained knowledge of the facts of the alleged unlawful discrimination after the expiration of one year from the date of the discrimination.

Ch. 897 (AB 2754) Vicencia. Income taxes: deductions.

Under the Personal Income Tax Law, any taxpayer may designate on his or her tax return that a contribution in excess of any tax liability be made to the State Children's Trust Fund, the California Seniors' Fund, the United States Olympic Committee Fund, or the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund to support the purposes of those funds. Existing law provides that these contributions are not allowable as charitable contribution deductions for state income tax purposes.

This bill would make these contributions deductible for state income tax purposes and would make conforming technical changes to that law.

Existing law requires the Controller to transfer the total amount designated, less the direct collection and administrative costs of Franchise Tax Board, to the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.

This bill would take effect immediately as a tax levy.

Ch. 898 (AB 2867) Floyd. State peace officer/firefighter members of PERS lottery agents.

Existing law provides that the Deputy Director for Security of the California Lottery and all lottery security personnel are peace officers, as specified, and are state miscellaneous members of the Public Employees' Retirement System (PERS). The Public Employees' Retirement Law: (1) provides for state miscellaneous members, a 1.092%-at-age-50 to 2.418%-at-and-over-age-63 service retirement formula which is partially integrated with social security; (2) provides for state peace officer/firefighter members, a 2%-at-age-50 to 2.5%-at-and-over-age-55 service retirement formula; (3) provides for state peace officer/firefighter members, benefits and contribution rates which are higher than those for state miscellaneous members; (4) appropriates monthly the amounts of the state's employer contributions to the Public Employees' Retirement Fund (PERF); (5) provides that state miscellaneous members are, however, also covered by the federal social security system, while under statutes relating to the federal social security system, that coverage generally excludes "policemen" and "firemen" which categories would generally encompass state peace officer/firefighter members.

This bill would repeal the requirement that those lottery employees be state miscellaneous members of PERS, would include lottery agents within the state peace officer/firefighter category of PERS membership, which inclusion would, by operation of law, be contingent upon a specified favorable federal ruling or regulation being made for the termination of federal social security coverage, and would increase the state's contribution therefor to the PERF.

Ch. 899 (AB 3482) Harris. Administrative law adjudication.

Under existing law, the Administrative Procedure Act specifies procedures by which state agencies, or administrative law judges acting on their behalf, may conduct hearings to determine certain personal or property rights of an individual, the granting or revocation of an individual's license, or the resolution of certain other issues pertaining to an individual.

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This bill would add provisions to the act to do the following.

(1) Authorize an administrative law judge to conduct a prehearing conference to deal with one or more specified matters and to issue a prehearing order to regulate the conduct of the hearing.

(2) Prohibit while a proceeding is pending any ex parte communications between the presiding officer and any party or person interested in the outcome without notice and opportunity for all parties to participate in the communication.

Ch. 900 (AB 2793) Papan. State government employee benefits: retirement systems.

Existing law permits the Department of Personnel Administration, subject to applicable provisions of law, to enter into contracts for the purchase of various types of state employee benefits for managerial and confidential employees, as defined, supervisory employees, and other employees exempt from civil service provisions or from state collective bargaining provisions.

This bill would include within the types of benefits which may be purchased, long-term disability insurance benefits. The bill would also allow the Department of Personnel Administration, if it is determined to be cost-effective to do so, to self-insure the long-term disability insurance program. If the department elects to self-insure this program, it would be required to provide its cost analysis to the Joint Legislative Budget Committee at least 30 days prior to initiating the establishment of the program. It would establish within the State Treasury the Nonrepresented State Employee Long-Term Disability Insurance Fund for the purpose of funding these benefits. Money in the fund would be continuously appropriated without regard to fiscal year to pay claims and administrative costs, thereby making this bill an appropriation.

Existing law requires the Treasurer to receive and keep or deposit for safekeeping, all bonds and other securities or investments belonging to the state.

This bill would except from that requirement the bonds, securities, and other investments of the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS).

This bill would authorize STRS and PERS to each retain a bank or trust company to provide specified custodian services.

This bill would also state related legislative findings.

Ch. 901 (AB 3762) Clute. Airports: assistance to political subdivisions.

(1) Under existing law, the Department of Transportation proposes and the California Transportation Commission adopts and submits to the Legislature each year a state transportation improvement program for the succeeding 5 fiscal years.

This bill would require the Department of Transportation to reimburse a political subdivision for the eligible costs of an airport noise mitigation project undertaken after the project has been included in the state transportation improvement program and prior to funding that project through the program out of funds provided therefor in the program, subject to specified conditions and limitations.

(2) Existing law authorizes the Department of Transportation to render financial assistance to political subdivisions owning or operating airports and air navigation facilities essential for the development and maintenance of a statewide system of airports. Existing law also provides for annual grants to political subdivisions for airport purposes from the Aeronautics Account in the State Transportation Fund, and for this purpose directs the Department of Transportation to create one or more accounts in the Special Deposit Fund for the management of these grant and loan funds.

This bill would delete the requirement that the Department of Transportation create one or more accounts in the Special Deposit Fund for these purposes and would, instead, create a subaccount in the Aeronautics Account, transferring to it all funds for airport loans in the Special Deposit Fund and, with the approval of the Department of Finance, requiring the deposit in it of all money received by the Department of Transportation from repayments of and interest on airport loans and permitting the transfer to it of other funds from the subaccount that the Department of Transportation deems appropriate, and would continuously appropriate the money in the subaccount to the Depart-

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ment of Transportation for purposes of airport loans to political subdivisions, thereby making an appropriation.

These provisions would become operative on July 1, 1987.

Ch. 902 (AB 2753) W. Brown. Crimes- sports.

Existing law makes it a misdemeanor to bribe a player or participant, or to accept a bribe as a player or participant, to throw a sporting event but does not prohibit a person from offering or giving an intercollegiate athlete an inducement for competing in an intercollegiate event, contest, or exhibition.

This bill would prohibit any person from giving, offering, promising, or attempting to give any money or other thing of value to any particular student athlete or member of his or her immediate family, as defined, for the purpose of inducing, encouraging, or rewarding the student athlete for (1) applying, enrolling at, or attending, a public or private institution of postsecondary education in order to have the athlete participate in any intercollegiate sporting event, contest, program, or exhibition, at that institution, or (2) participating in an intercollegiate sporting event, contest, exhibition, or program. However, the above prohibition would not apply to an institution or its officers or to any intercollegiate athletic awards approved or administered by the student athlete's institution, or employees acting in accordance with an official written policy of that institution which is in compliance with the bylaws of a specified association or any other student or member of the immediate family, as defined.

This bill would also prohibit any student athlete or member of his or her immediate family from soliciting or accepting any money or other thing of value as an inducement, encouragement, or reward for enrollment or attendance at a public or private institution, or for participation in an intercollegiate sporting event, contest, exhibition, or program. A violation of this provision would subject any person who engages in conduct knowing or having reason to know that the conduct is in violation of that provision to a civil penalty, as specified. However, this prohibition would not apply to any student athlete who receives any money or other thing of value from a public or private institution, offered in accordance with an official written policy of that institution which is in compliance with the bylaws of a specified association or to any intercollegiate athletic awards approved or administered by that institution, or from any other student or member of the immediate family, as defined, or who receives an intercollegiate athletic award approved or administered by the institution.

This bill would impose a state-mandated local program by creating new duties on local agencies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement is required by the bill because the bill does not mandate a new program or higher level of service that would require reimbursement. However, the bill would acknowledge that a local agency or school district may pursue any remedies to obtain reimbursement available to it under specified provisions of the Government Code.

Ch. 903 (AB 3764) Mojonner. Public transportation: San Diego County.

(1) Under the Mills-Alquist-Deddeh Act, operators, cities, and counties may file claims for apportionments from local transportation funds for specified transportation purposes.

This bill would authorize the County of San Diego to file claims for an unincorporated area not served by specified transit development boards for an apportionment for other than transit purposes, if the San Diego Association of Governments, at a public hearing, finds that the transit needs of that area can be met by using an amount less than the apportionment for the area and the county board of supervisors concurs in that finding, and other specified conditions are met.

(2) The California Constitution requires the state to reimburse local agencies and

school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 904 (AB 89) Bane. Cooperative corporations: physicians and surgeons.

Existing law permits physicians and surgeons to form cooperative corporations to engage in interindemnity or reciprocal or interinsurance contracts, as specified, as a substitute for malpractice liability insurance.

Under existing law, a participating member may elect voluntarily to terminate his or her membership in an interindemnity arrangement or a person may be involuntarily terminated from membership for failure to pay assessments.

This bill would provide that in cases of involuntary termination of membership for failure to pay assessments and voluntary termination when the member elects to be responsible for his or her own exposure for acts committed while a participating member, the member is not eligible to become a member of any other interindemnity arrangement for a period of 5 years after the termination unless on the effective date of this act the person had on file with the Department of Corporations a copy of a subscription agreement signifying the person's agreement to transfer membership or had paid a minimum of \$10,000 to another interindemnity arrangement which was granted a permit to organize prior to January 1, 1985.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 905 (AB 3825) Klehs. Political Reform Act of 1974: lobbyists.

Under the Political Reform Act of 1974, "lobbying firm" is defined as any business entity, including an individual contract lobbyist, which contracts for economic consideration to communicate with public officials for the purpose of influencing legislative or administrative action, as specified. A lobbying firm is required to file periodic reports regarding its activities.

This bill would revise that definition to include either (1) those business entities which receive or become entitled to receive compensation for the purpose of influencing legislative or administrative action and who have a partner, owner, officer, or employee who is a lobbyist or (2) those business entities which receive or become entitled to receive compensation for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which the compensation is received is for the purpose of influencing legislative or administrative action. Those entities specified in (2) would also be required to report the name and title of each partner, owner, officer, and employee who, on at least 5 separate occasions during a reporting period, engaged in direct communication with public officials for the purpose of influencing legislative or administrative action, as specified.

Under the Political Reform Act of 1974, a lobbying firm and a lobbyist employer are required to file a notice of termination within 30 days after ceasing the activity which required the registration.

This bill would reduce that period to 20 days.

This bill would further provide that if a lobbying firm or lobbyist employer keeps a separate account for all receipts and reporting which is required by the act, the audit requirement shall be satisfied by an audit of that account and supporting documentation required to be maintained, as specified.

The bill would also make technical nonsubstantive changes in the act.

Ch. 906 (AB 3873) Chacon. Day care centers and family day care homes.

Existing law defines and provides for the licensing of child day care facilities, including small family day care homes, which is a home providing care to 6 or fewer children.

This bill would provide that when a small family day care home is providing care for 4 or more infants at one time specified conditions shall be met. To the extent that these new requirements may apply to a local public agency operating a small family day care home, the bill would impose a state-mandated local program. The bill would require the State Director of Social Services to authorize the County of San Diego to operate a pilot

project, as specified, for the care of more than 4 infants in small family day care homes.

Existing law states the intent of the Legislature that any person providing child care in a licensed child day care facility shall have elementary health care training including preventive health practices.

This bill would include within preventive health practices food preparation and sanitation practices. To the extent this requirement would apply to publicly operated community care facilities it would impose a state-mandated local program.

Existing law requires the department to grant or deny a license within 30 days of receipt of all appropriate licensing application materials providing certain conditions have been met, including a statement under penalty of perjury that he or she has never been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less.

This bill would, instead, require a statement under penalty of perjury that the person has never been convicted of a crime other than a traffic infraction involving a fine not exceeding \$100.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 907 (AB 3932) Areias. State property

Existing law provides for a mechanism whereby, subsequent to administrative findings, the Legislature may declare state property to be surplus property. These provisions also specify the manner in which local agencies or other interested parties may purchase this property for various purposes.

This bill would state the finding of the Legislature of the need to improve the state's management of its real property holdings by maintaining a central inventory thereof.

This bill would require the Department of General Services, by January 1, 1989, to make an initial statewide inventory of all real property held by the state and to categorize that inventory by agency, as defined, and by geographical location. It would require each agency by July 1, 1988, to furnish to the department a record of the real property it possesses, and to provide, by July 1 of each year, an update of that information, including specified items. It would require the department to prepare, by January 1, 1989, a separate report of all properties declared surplus or with no current or projected use.

This bill would require the University of California, by July 1, 1988, to furnish the department a record of each parcel of land it possesses, as specified.

This bill would require the Auditor General to review the department to ensure compliance by agencies with this bill and to report to the Legislature, as specified, by January 1, 1990.

Ch. 908 (AB 3264) Areias. State employees: dental care.

Existing law permits state agencies, either directly or through the Department of Personnel Administration, to contract, upon negotiations with employee organizations, with carriers for dental care plans for employees and annuitants.

This bill would permit dental care plans provided under these provisions to be self-funded by the employer, if it is cost-effective to do so.

The bill would specify that funds appropriated by the Legislature for the purposes of self-funded dental care plans for state employees shall be continuously appropriated.

The bill would create the State Employees' Dental Care Fund, which would be continuously appropriated for the purposes of funding self-funded dental care plans for state employees, other than for employees of the California State University, and the California State University Employees' Fund, which would be continuously appropriated for purposes of self-funded dental care plans for employees of the California State

University. Each fund would contain money appropriated by the Legislature for purposes of that fund, and income derived from those moneys.

Ch. 909 (AB 3468) Johnston Railroad cars hazardous materials.

Existing law requires any business which handles hazardous materials, except as specified, to establish a business plan for emergency responses to a release or threatened release of a hazardous material and to submit an inventory of hazardous materials which the business handles. A business is required to amend the inventory form within 30 days after the occurrence of specified changes in the hazardous material or the business.

This bill would provide that, when a railroad car containing any hazardous material or hazardous substance remains within the same railroad facility or business facility for more than 30 days, or a business knows or has reason to know that a railroad car containing these materials will remain at a facility for more than 30 days, the hazardous material or substance is deemed stored at that location for purposes related to hazardous materials release response plans and inventory statements.

The bill would require any business handling hazardous materials or hazardous substances which are stored in this manner to immediately notify the administering agency whenever a material or substance is stored.

Ch. 910 (AB 2915) Farr Commercial fishing: gill and trammel nets.

(1) Under existing law, the use of gill and trammel nets to take fish for commercial purposes is restricted, as prescribed.

Existing law also continuously appropriates moneys in the Fish and Game Preservation Fund to the Department of Fish and Game to carry out the Fish and Game Code.

Under existing law, the Fish and Game Commission is authorized to issue experimental gear permits for new types of commercial fishing gear and new uses of existing fishing gear for use in areas presently restricted to commercial taking, as specified.

This bill would enact the Nearshore Gill and Trammel Net Fishery Mitigation Act. The bill would make legislative findings and declarations.

The bill would, instead, authorize the department to issue experimental gear permits when approved by the commission.

The bill would close additional specified areas to the use of gill and trammel nets, thereby imposing a state-mandated local program by creating a new crime.

The bill would also require the Department of Fish and Game to determine fisheries impacted by gill and trammel net closures and to assist development of, and to monitor, alternative fishing methods and gear in those areas, thereby making an appropriation from the Fish and Game Preservation Fund to carry out this provision of the bill. The bill would provide for a low-interest loan program, as specified, for financing the alternative fishing methods and gear by the State Coastal Conservancy, and would require the Small Business Advocate, the Department of Commerce, the State Coastal Conservancy, and the Department of Fish and Game to work on other specified funding programs for purposes of the bill.

(2) The bill would require the State Coastal Conservancy to make a specified report on the loan program to the Legislature on or before January 1, 1988, and on or before February 14, 1989, if the conservancy does not terminate the loan program for the calendar year beginning on January 1, 1988.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The bill would appropriate \$550,000 for the purposes of the bill, with \$100,000 from the Environmental License Plate Fund to the department for its monitoring program and \$450,000 from the State Coastal Conservancy Fund to the conservancy for allocation for specified purposes of the bill.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 911 (AB 1563) Bates. Off-highway motor vehicle recreation: appropriation.

Under existing law, the Off-Highway Motor Vehicle Recreation Commission and the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation have specified powers and duties relating to off-highway motor vehicle recreation.

This bill would give the division authority to audit grants to cities, counties, and districts for off-highway motor vehicle recreation purposes.

The bill would appropriate \$200,000 from the fund to the department for a local assistance grant to the East Bay Regional Park District.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 912 (AB 2929) Roos. Employment agencies: fees: exemption from licensure and regulation.

(1) Existing law defines an employment agency as, among other things, a business which provides specified services relating to employment where a fee is exacted, or attempted to be collected, for those services. Existing law defines a fee as, among other things, any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency. Existing law does not define a fee in terms of who pays it.

This bill would revise the definition of employment agency to specify that the fee is exacted, or attempted to be collected, from the applicant for employment. The bill would make conforming changes.

(2) Existing law provides that the Employment Agency Act, which relates to the licensure and regulation of employment agencies and a violation of which is a misdemeanor, does not apply to (1) a management consultant acting solely on behalf of, and compensated solely by, an employer to identify, appraise, or recommend an individual for consideration for a management position, provided specified requirements are met; or (2) a licensed certified public accountant while engaged in the practice of public accounting.

This bill would repeal these exemptions from licensure and regulation under the Employment Agency Act, and add a new provision, which would remain in effect only until January 1, 1991, which states that on and after July 1, 1987, the Employment Agency Act does not apply to any person who provides the services of an employment agency, other than employment counseling services, and who charges fees exclusively to employers for those services. This exemption would not apply to persons who provide babysitting or domestic employment for others. The exemptions from licensure and regulation under the Employment Agency Act for management consultants and licensed certified public accountants would be reinstated on January 1, 1991. This bill would impose a state-mandated local program by revising the scope of application of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 913 (AB 2744) Rogers. State agencies

Existing law contains requirements applicable to state agencies regarding time of payment for liquidated claims against the state or local entities. There are, however, various exceptions pertaining to specified types of state contracts.

This bill would require state agencies to pay a business with whom they have a contract within 50 calendar days after the postmark date of the invoice by the state agency or, if included in the contract, by the date set forth in the contract.

The bill would provide, however, that if, due to insufficient funds, a state agency is unable to meet these payment deadlines under a contract for goods or services needed due to a natural disaster, including, but not limited to, fires, floods, or earthquakes, payment under the contract shall not be due until 30 calendar days after the agency has received sufficient funds to pay the contractor. If the deadline under the above provi-

sions for payment under a contract with the Department of Forestry occurs during the annually declared fire season, the due date would be extended by an additional 30 calendar days. The bill would provide that failure to pay within these time limits would subject state agencies and the Controller to liability for accrued interest on the amount due, as specified.

The bill would also require the state to pay court costs and reasonable attorney's fees incurred by any contractor who prevails in a judicial action brought pursuant to the foregoing provisions of the bill.

This bill would prohibit state agencies from seeking additional appropriations for interest payments where the accrued interest was the result of an agency's failure to make payment within the specified time limits.

The bill would not apply to specified types of contractors covered under existing provisions.

Ch. 914 (AB 1445) Klehs. Civil actions: sexual molestation.

Under existing law, an action for injury or death of one which is caused by the wrongful act or neglect of another is generally required to be commenced within one year of the occurrence.

This bill would provide that the time for commencement for an action for injury or illness arising out of an incestuous, or other specified relationship, occurring when the plaintiff was a minor, shall be 3 years.

This bill would be applicable to any action commenced on or after January 1, 1987, including an action barred by application of the period of limitation applicable prior to January 1, 1987, and any action commenced prior to and pending on January 1, 1987.

Ch. 915 (AB 2069) Clute. Veterans' Home of California: appropriation.

Under existing law, the Veterans' Home of California is established as a residence and care facility for aged and disabled veteran residents of California.

This bill would appropriate \$475,000 from the Special Account for Capital Outlay in the General Fund to the Department of Veterans Affairs for expenditure during the 1986-87 fiscal year for construction of a specified portion of the home. The bill would require the department to apply for federal grant funds for the project and to deposit any federal grant funds received in the Special Account for Capital Outlay as a reimbursement.

The bill would make legislative findings and declarations concerning construction cost increases at the home and would require the State Architect to investigate and recommend appropriate action to the Director of General Services on the construction cost increases.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 916 (AB 4173) Moore. Education: positions requiring certification.

Existing law requires that a person hold a valid teaching or service credential if he or she is employed, as specified, in a position in which 50% or more of the duties performed during the school year consist of rendering service in directing, coordinating, supervising, or administering specified types of functions, including the examination, selection, in-service training, or assignment of teachers, principals, or other certificated personnel involved in the instructional program.

Existing law also requires a valid teaching or service credential for those persons who participate in the in-service training of certificated personnel.

This bill would expressly require a valid teaching or service credential for those persons who participate in the in-service training of teachers and principals.

This bill would expressly authorize school districts to hire noncredentialed employees, as specified, to perform the examination, selection, or assignment of teachers, principals, or certificated personnel involved in the instructional program.

This bill would provide that any person who, on July 1, 1986, was serving in a position that required certification qualifications, as specified, shall be deemed to be an employee in a position requiring certification qualifications for as long as he or she holds that position after January 1, 1987.

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This bill would also make related technical changes in existing law

Ch. 917 (AB 368) W. Brown Salaries and compensation: public officers.

Existing law prescribes or provides for the compensation of various state and local officers and employees and uses both the terms "salary" and "compensation" for this purpose

This bill would make clarifying changes by changing references to the term "compensation" contained in certain provisions of the Government Code to the term "salary" where the former term is intended to refer to the latter with respect to Members of the Legislature.

The bill would further provide that Members of the Legislature shall be entitled to receive the same health care, dental care, and other similar benefits which are available to other state officers and employees.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 918 (AB 2746) Katz. Water transfer. conveyance facility use.

(1) Existing law declares it to be the policy of the state to facilitate the voluntary transfer of water and water rights where consistent with the public welfare of the place of export and the place of import, and directs the Department of Water Resources, the State Water Resources Control Board, and all other appropriate state agencies to encourage voluntary transfers of water and water rights.

This bill would prohibit the state and any regional or local public agency from denying a bona fide transfer of water, as defined, the use of a water conveyance facility which has unused capacity, as defined, for the period of time for which that capacity is available if fair compensation, as specified, is paid for that use, subject to specified conditions, thereby imposing a state-mandated local program. The bill would prescribe related duties of the agency owning the water conveyance facility. The bill would be applicable to only 70% of the unused capacity of the facility.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 919 (AB 2617) W. Brown Student financial aid

Under existing law, the Trustees of the California State University may award Educational Opportunity Program grants to students as prescribed, up to a maximum of \$1,000 per academic year.

This bill would increase the maximum Educational Opportunity Program grant amount to \$2,000. This bill would also provide that, commencing with the 1987-88 fiscal year, the maximum grant amount may be increased above that maximum to the extent that the Legislature makes funds for these purposes available.

Ch. 920 (AB 2414) Filante Highways: roadside rests and vista points

(1) Under existing law, the Department of Transportation may adopt rules and regulations governing the time and manner of use of safety roadside rest areas and vista points.

This bill would define "vista point" for purposes of the Streets and Highways Code. The bill would prohibit, except as otherwise specifically authorized, any person from selling, offering for sale, vending, or attempting to vend, any merchandise, foodstuff, or service within a vista point or safety roadside rest area. It would authorize, upon the request of a member of the California Highway Patrol or other peace officer, the relocation to a specified area of the vista point or rest area, or removal from the vista point or rest area of any person or property whose presence or activity creates or may reasonably be expected to create, a safety problem or hazard on or near the vista point or rest area.

The bill would void the provisions of any regulations of the department in conflict with the bill's provisions, and would revoke the permission given to any person pursuant to

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such regulation to engage in an activity which would be prohibited by the bill. A violation of the provisions of the bill, or regulations adopted thereunder, would be a misdemeanor, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 921 (AB 3137) Vasconcellos. Prisoners AIDS.

Existing law generally requires the incarceration in state correctional facilities of persons committed to the Department of Corrections.

This bill would authorize the Director of Corrections to enter into contracts with public or private agencies located within or without the state for the housing, care, and treatment of inmates afflicted with AIDS or AIDS-related complex.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 922 (AB 3794) La Follette. State safety members of PERS correctional facility and prison industries employees.

The Public Employees' Retirement Law (PERL) provides, for state miscellaneous members, a 1.092%-at-age-50 to 2.418%-at-and-over-age-63 service retirement formula which is partially integrated with social security and, for state safety members, a 1.426%-at-age-50 to 2%-at-and-over-age-55 service retirement formula. The PERL also provides, for state safety members, benefits and contribution rates which are higher than those for state miscellaneous members. The PERL also provides that state miscellaneous members are, however, also covered by the federal social security system while under the statutes relating to the federal system, that coverage generally excludes "policemen" and "firemen" which categories encompass state safety members. The state's employer contributions to the Public Employees' Retirement Fund are appropriated monthly.

This bill would include certain classifications of correctional facility and prison industries employees within the state safety category of PERS membership thereby increasing the amount of the state's monthly appropriated contributions, but that inclusion would be contingent upon a federal ruling or regulation being made authorizing their inclusion within the federal social security classification of "policeman." The bill would also require the inclusion of any such classification which is established after January 1, 1984, if the Department of Personnel Administration and the State Personnel Board approve that inclusion. This bill would make related and technical changes.

Ch. 923 (AB 4375) Stirling. Summary criminal history information fees.

Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and to furnish that information to specified persons, and requires the Attorney General to keep copies of fingerprints and to furnish them to persons authorized to receive state summary criminal history information upon proper application.

Existing law requires local criminal justice agencies to maintain local summary criminal history information to be made available for the use of prescribed state and local entities, as prescribed.

This bill would authorize a local agency taking the fingerprints of a person who is an applicant for licensing, employment, or certification to charge a fee not to exceed \$10 in order to cover the cost of taking the fingerprints and processing the required documents.

This bill would provide that, notwithstanding any other provision of law, the Department of Justice or any state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting summary criminal history information record checks which are authorized by law.

Ch. 924 (AB 2457) Wyman. Unemployment insurance.

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Existing law provides generally for the service of notice of levy of a lien on, and duties of, any person or entity controlling any credits, other personal property, or owing a debt to any person or employing unit which is delinquent in the payment of any unemployment compensation contributions, penalties, or interest, as specified. Surrender of the credits or other personal property, or payment of the debt, to the Director of Employment Development discharges the obligation or liability to the delinquent person or employing unit.

This bill, in addition, would add to the list of credits, as specified, subject to the levy, those credits coming into the possession of, or under the control of, a person for the period of 1 year from the time of receipt of the notice of levy.

Existing law provides that an individual is disqualified for unemployment compensation benefits if he or she left the most recent employment for reasons caused by an irresistible compulsion to use or consume intoxicants, continuing until he or she has performed service in employment for which remuneration is received equal to or in excess of 5 times his or her weekly benefit amount, or until a physician or authorized treatment program administrator certifies that the individual has entered into, and is continuing in, or has completed, a treatment program for his or her condition and is able to return to employment.

Existing law provides that an unemployed individual is eligible to receive federal-state extended unemployment compensation benefits with respect to any week only if the Director of Employment Development makes specified findings.

This bill would, in addition, provide that an unemployed individual is eligible to receive federal-state extended benefits with respect to any week when the director finds that an individual subject to disqualification because of an irresistible compulsion to use or consume intoxicants has performed service in employment for which remuneration is received equal to or in excess of 5 times his or her weekly benefit amount.

Ch. 925 (AB 3401) Johnson. Income taxes: interest.

Under the existing Personal Income Tax Law, interest is charged at an adjusted rate upon deficiencies and other delinquent payments of tax and is mandatory, regardless of the reason for the late payment of tax.

This bill would allow interest to be waived for any period for which the Franchise Tax Board determines that a taxpayer demonstrates inability to pay that interest solely because of extreme financial hardship caused by significant disability or other catastrophic circumstance. It would require any waiver to be withdrawn retroactively if made because of fraud, malfeasance, misrepresentation or omission, of any material fact.

Ch. 926 (AB 2658) Robinson. California Debt Advisory Commission: California Debt Limit Allocation Committee.

Existing provisions relating to the California Debt Advisory Commission require the issuer of any proposed new debt issue of state or local government to give prior written notice of the proposed sale to the commission within specified time periods.

This bill would make this requirement applicable to any nonprofit public benefit corporation incorporated for the purpose of acquiring student loans.

Existing law authorizes the commission to charge fees, (1) for services to local government units in relation to the sale of a new debt issue, and (2) to the lead underwriter or purchaser of a debt issue for other services to state entities by the commission.

Existing law deletes the statutory authorization for the commission effective January 1, 1987, unless a later enacted statute chaptered before that date deletes or extends that date.

This bill would repeal this provision, thus extending the commission indefinitely. It would impose state-mandated costs by extending the powers of the commission to charge fees for services to local government units, in addition to other fees authorized by law, and by continuing existing reporting requirements of local government units.

The bill would establish the California Debt Limit Allocation Committee in state government and would specify its membership.

This bill would make other technical changes.

The California Industrial Development Financing Act provides that it is state policy

to facilitate the acquisition for private enterprise of property suitable for, or evidencing an obligation respecting, any one or more specified activities or uses through the issuance of revenue bonds in accordance with specified criteria. The act requires that property acquired pursuant to its provisions be suitable for, or evidence an obligation respecting, the specified activities or uses.

This bill would add to the specified criteria whether employment benefits may ensue by the increased availability of centers providing day care to children of working parents. It would add child day care centers to the list of specified activities or uses.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Ch. 927 (AB 2445) La Follette. Fingerprints: child care facility employees

Existing law requires specified persons who own, operate, or work in community care facilities, residential care facilities for the elderly, or child day care facilities to be fingerprinted to determine if the person has ever been convicted of a crime other than a minor traffic violation.

This bill would make legislative findings and declarations and would require the State Department of Social Services to expedite fingerprint clearances for, and would require the Department of Justice to facilitate the processing of fingerprint cards of employees of, and applicants for employment with, community care facilities providing services to children and child day care centers.

This bill would also require the fingerprints be submitted to the licensing agency not later than 4 calendar days, instead of 20 days, following employment, residence, or initial presence in the facility. Insofar as this requirement would apply to facilities operated by local public agencies, the requirement would constitute a state-mandated local program. The bill would require the State Department of Social Services to request a status report on a fingerprint clearance submitted to the Department of Justice if the State Department of Social Services has not received the information within 45 calendar days.

The bill would require the State Department of Social Services to notify the licensee of a child day care facility of convictions and certain other matters within specified time periods. The bill would also provide that after July 1, 1987, the State Department of Social Services shall notify licensees of the absence of convictions within 10 days.

Under existing law, licensees of these facilities are required, subject to criminal sanction, to terminate, remove, or bar from entering the facility any person who is found to have been convicted of specified crimes, unless the Director of Social Services grants an exemption. However, the director may not, under existing law, grant the exemption to a person convicted of any of certain offenses.

This bill would permit the director to grant an exemption in the case of a person convicted of certain of these nonexempt offenses if the employee or prospective employee has been rehabilitated and has maintained specified conduct, for at least 10 years and has the recommendation of the district attorney of the county of the employee's residence, or has received a certificate of rehabilitation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 928 (AB 2341) Katz. State highways: routes.

(1) Existing law describes and specifies the route number designation and descriptions of routes in the state highway system.

This bill would make various changes in the route number designations and descriptions.

The bill would delete obsolete provisions.

(2) Existing law provides for the allocation of revenues derived from taxes imposed under the Motor Vehicle Fuel License Tax Law and the Use Fuel Tax Law to counties and cities

This bill would delete obsolete provisions regarding those allocations

Ch. 929 (AB 1990) Hughes. Gang violence suppression.

Existing law establishes in the Office of Criminal Justice Planning, the Gang Violence Suppression Program, to provide a program of financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, and community-based organizations which are primarily engaged in the suppression of gang violence.

This bill would authorize school districts, county offices of education, or any consortium thereof, to apply for and receive this funding and technical assistance, and would require the Gang Violence Suppression Advisory Committee established under existing law to include the Superintendent of Public Instruction, or his or her designee, a member of the California School Boards Association, and one representative of a school program specializing in the education of the target population which is the subject of the gang violence suppression law. This bill would require all funded programs to work cooperatively to ensure the highest quality provision of services and to reduce unnecessary duplication of effort. This bill would require school districts, county offices of education, or any consortium thereof, receiving funds for these purposes to develop or adopt and implement a gang violence prevention curriculum, provide gang violence prevention and intervention services for school-aged children, and would encourage them to provide certain additional programs and services.

This bill would make other technical, nonsubstantive changes.

Ch. 930 (AB 3618) Bronzan. Health insurance.

Existing law does not require policies of disability insurance, self-insured employee welfare benefit plans, health care service plans, or nonprofit hospital service plans that offer coverage for medical transportation services, to directly reimburse providers of medical transportation services if the provider has not received payment from any other source

This bill would impose that requirement as to those policies and plans issued, amended, or renewed on and after January 1, 1987. The bill would provide that the requirement shall not apply to any transaction between a provider of covered medical transportation services, as specified, and those policies and plans if the parties have entered into a contract providing for direct payment.

Ch. 931 (AB 3023) Hannigan. Income taxes.

The existing Personal Income Tax Law incorporates various sections of the Internal Revenue Code enacted as of a specified date. It makes inapplicable a specified federal income tax statute which is described as relating to credits for work incentive programs and employment of certain new employees.

This bill would recast the description of that statute by specifying that the statute relates to certain expenses for which credits are allowable.

The existing Personal Income Tax Law makes inapplicable a specified federal income tax provision which, for estates of decedents dying after 1981, requires a basis adjustment to be made where a farm or closely held business real property has been acquired from a decedent and the property was valued for federal estate tax purposes by using the allowed special use valuation method.

This bill would make that provision applicable for state income tax purposes

The existing Personal Income Tax Law conforms to federal requirements as of a

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specified date for payment of estimated tax, with certain exceptions as to who is exempt from payment of estimated tax. Among other things, no addition to tax is required for underpayment if 80% of the actual tax for the preceding year was covered by that year's withholding, or 80% of the estimated tax for the current year is covered by withholding.

This bill would make a technical clarifying change to that law and would provide that this change does not constitute a change in, but is declaratory of, the existing law.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, the Franchise Tax Board is responsible for administration, collection, and enforcement. These laws require every claim for refund to be in writing and to state the specific grounds upon which it is founded.

This bill, in addition, would require every claim for refund to be signed by the taxpayer or the taxpayer's authorized representative. It would require a claim filed for or on behalf of a class of taxpayers to (1) be accompanied by written authorization from each taxpayer sought to be included in the class; (2) signed by each taxpayer or taxpayer's authorized representative; and (3) state the specific grounds on which the claim is founded.

This bill would require the Franchise Tax Board to conduct a feasibility study, to be submitted to the Legislature no later than January 1, 1988, of accounting for, maintaining the accounts of, and notifying taxpayers of (1) the basis accumulated in each taxpayer individual retirement account, and (2) the amount of the pension plans established by self-employed individuals that were not deductible on state income tax returns.

This bill would incorporate additional changes in Section 17270 of the Revenue and Taxation Code, proposed by AB 4377, to be operative only if AB 4377 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last.

This bill would take effect immediately as a tax levy.

Ch. 932 (AB 3041) N. Waters. Agricultural materials and products pesticides and fertilizers foreign marketing

(1) Existing law authorizes the Director of Food and Agriculture to adopt pesticide regulations after investigations and hearings

This bill would delete the above requirement for investigations and hearings for pesticide regulations adopted as emergency regulations.

(2) Existing law requires the director to adopt and enforce regulations relating to the manufacture, labeling, and distribution of various fertilizers, including agricultural minerals

This bill would define agricultural mineral as specified substances distributed for farm use

(3) Existing law defines "commercial fertilizer" for purposes of laws relating to the distribution and labeling of fertilizing materials for the production of food and fiber.

This bill would include specified products for nonfarm use within that definition, thus subjecting these products to regulation under law as a commercial fertilizer. The bill would impose a state-mandated local program since a violation of the law regulating fertilizing material is a misdemeanor.

(4) The bill would make an appropriation by increasing the amount deposited in the Department of Food and Agriculture Fund, since the money in the fund is continuously appropriated to regulate fertilizing materials

(5) The Foreign Market Development Export Incentive Program for the California Agriculture Act declares legislative intent to fund activities under the act by an annual appropriation from the General Fund

This bill would add provisions to that act to create the California Agricultural Export Promotion Account in the Department of Food and Agriculture Fund. The money in the account would be continuously appropriated to the director to support export promotional and public relations activities generally and pursuant to the act. The account would consist exclusively of funds received from private industry sources, agricultural marketing order advisory boards, and agricultural councils and agricultural commissions.

(6) The California Constitution requires the state to reimburse local agencies and

school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 933 (AB 3518) Mojonnier. Mental health.

Existing law provides for conservatorship proceedings to be instituted for persons committed to a state hospital or local mental health facility, as specified. Existing law limits the total patient population at Patton State Hospital.

This bill would make certain technical nonsubstantive changes.

Under existing law, involuntarily committed mental health patients are entitled to specified inpatient rights.

This bill would authorize the State Department of Mental Health to adopt regulations concerning the rights of certain sex offenders, mentally disordered sex offenders, mentally disordered criminals, mentally disordered youth under the jurisdiction of the Youth Authority and inmates of jail psychiatric units and related procedures for the inpatient and outpatient treatment and release, as specified, of those persons. This bill would impose a state-mandated local program to the extent it requires these rights to be given by local agencies

Under the Lanterman-Petris-Short Act conservatorship proceedings, the Director of Mental Health is required to establish maximum caseload levels for caseworkers responsible for conservatorship investigation and for case management of conservatees.

This bill would repeal this requirement.

Under existing law, the department is required to provide treatment and care in the community for judicially committed persons.

This bill would name these services the Conditional Release Program, and also include the provision of supervision, and administrative and ancillary services for these persons. The bill would authorize the department to provide, through the program, services to other patient populations for which the department has direct responsibility.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 934 (AB 3494) Stirling. Lobster.

(1) Under existing law, lobster may be taken for commercial purposes under a permit issued for a fee of \$125, subject to regulations adopted by the Fish and Game Commission.

This bill would authorize the commission to limit the number of permits that may be issued for the taking of lobster for commercial purposes whenever it is necessary in order to prevent overutilization or to ensure efficient and economic operation of the fishery. The bill would also increase the fee for that permit to \$200.

(2) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the commission for its expenses and to the Department of Fish and Game for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would provide new revenues to that fund, it would make an appropriation.

Ch. 935 (AB 3570) Clute. Hazardous substances: underground storage.

Existing law regulates, generally, the storage of hazardous substances in underground tanks and exempts from the definition of "underground storage tank" tanks used for specified purposes, including a tank which is located on a farm and stores motor vehicle

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fuel which is used only to propel vehicles used primarily for agricultural purposes. Each person applying for a permit to operate an underground storage tank is required to submit a fee to the local agency which issues these permits. An underground storage tank installed on ~~and after~~ [or before]* January 1, 1984, is required to be monitored for unauthorized releases and a local agency is authorized to require alternative monitoring methods.

This bill would instead exempt a tank located on a farm which stores motor vehicle or heating fuel used primarily for agricultural purposes and which holds 1,100 gallons or less.

The bill would allow a local agency to waive the permit fee for an underground storage tank which has a capacity of 5,000 gallons or less, is located on a farm, and contains motor vehicle or heating fuel used primarily for agricultural purposes, if the local agency makes a specified finding. The bill would additionally include an alternative monitoring method for monitoring a tank installed ~~after~~ [on or before]* January 1, 1984, which is located on a farm and stores motor vehicle or heating fuel used primarily for agricultural purposes.

The bill would incorporate changes to Sections 25281 and 25287 of the Health and Safety Code proposed by AB 2920 which would only become operative if this bill is enacted after AB 2920.

Ch. 936 (AB 2857) Hauser. Tide and submerged lands. City of Trinidad. Crescent City Harbor District

(1) Under existing law, various grants of tide and submerged lands have been made in trust to local agencies.

This bill would grant tide and submerged lands, as described, subject to specified conditions, to the City of Trinidad in trust for purposes of navigation, commerce, fisheries, and for other public purposes. The bill would impose a state-mandated local program by requiring, among other things, that the city submit a report of its utilization of the granted lands every 5 years to the State Lands Commission. The bill would require the trustee to file each year with the commission a detailed statement of revenue from the administration of the lands and the expenditure thereof. The bill would also require the commission to institute, from time to time, a formal inquiry to determine if the terms and conditions of the grant are being complied with.

(2) Under existing law, a harbor district organized under specified provisions of the Harbors and Navigation Code may borrow money for specified district purposes, subject to prescribed limitations. The term of the loan may not exceed 5 years.

This bill would exempt the Crescent City Harbor District from the 5-year limitation for purposes of borrowing money to make improvements to accommodate the plans of the Coast Guard to station a new patrol boat in the Crescent City Harbor.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 937 (AB 3809) Stirling Firearms retired peace officers.

(1) Existing law permits the carrying of concealed or loaded firearms by specified honorably retired peace officers provided they have been issued a properly endorsed identification card by the agency from which they retired. Under existing law, honorably retired correctional, parole, and probation peace officers are not included among the peace officers authorized to carry these firearms.

This bill would extend this authorization to honorably retired correctional peace officers. This bill would require these honorably retired correctional peace officers to meet certain training requirements imposed by specified provisions of existing law and to qualify with the firearm at least annually. This bill would provide that the individual retired peace officer shall be responsible for maintaining his or her eligibility to carry a firearm.

Existing law authorizes the Department of Justice to provide subsequent arrest noti-

cation to certain agencies authorized to receive state summary criminal history information for purposes of assisting in employment, licensing, or certification duties

This bill would require the Department of Justice to provide subsequent arrest notification information regarding honorably retired correctional peace officers to the employing agency from which the officer has retired

(2) This bill would incorporate additional changes in Section 11105.2 of the Penal Code, proposed by SB 751, to be operative only if SB 751 and this bill are both chaptered and become operative January 1, 1987, and this bill is chaptered last.

Ch 938 (AB 4087) M. Waters. Child care facilities.

(1) Under existing law, the State Department of Social Services is required to license day care facilities for children.

This bill would require the department and the licensing agencies with which it contracts for licensing to process applications for licenses by organizations authorized to operate a facility at another site within 60 days and if the department is unable to comply with this requirement this bill would require the department to grant the organization a provisional license for a period not to exceed 6 months if no life safety risks are involved. The bill would permit the department to extend the license for an additional 6 months in certain circumstances. The department would also be required to immediately develop expedited procedures necessary to implement these provisions. Finally, the bill would require the department to develop appeal procedures for applicants under the new provisions

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 939 (AB 942) Frazee. Parking violations.

(1) Existing law requires a monthly transfer to the treasurer of any recreation and park district in the county of specified amounts of fines and forfeitures collected with respect to persons arrested or notified by peace officers of the district for violations of certain laws occurring on property owned, administered, or controlled by the district

This bill would expand the above law to include the transfer of fines and forfeitures collected for violations of certain laws occurring on property which is policed by those districts. By requiring the county to account for those additional fines or forfeitures and make the transfer, the bill would impose a state-mandated local program.

(2) Under existing law, various state and local governmental bodies may regulate the standing and parking of vehicles. A procedure for posting notice of the violation, providing copies of the notice, prosecution of the registered owners, and filing liens for the bail with the Department of Motor Vehicles is provided. Also under existing law, a county or a court may elect to discontinue processing the posting of bail for parking violations and the city, district, or other issuing agency may elect to receive, deposit, accept forfeitures, or otherwise process the posting of bail for specified notices of parking violations

This bill would make legislative findings and revise and recast those procedures to provide for an issuing agency to post notice of a parking violation, serve or mail a notice of delinquent parking violation, set, collect, and dispose of parking penalties and administrative fees, file notices of parking violations with the department for collection, and file complaints in court for criminal prosecution of the parking offense. The bill would authorize agreements for the courts, other issuing agencies, or private vendors to process administrative parking penalties for issuing agencies.

The bill would make conforming changes to other provisions of law.

The bill would impose a state-mandated local program by reallocating duties for the processing of parking violations between local agencies.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the

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State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 940 (AB 3328) Margolin. Medi-Cal.

Existing law provides that a provider of health care services under the Medi-Cal program may recover unpaid charges to the extent that any 3rd party is obligated to pay the charges by reason of the beneficiary's other contractual or legal entitlement, and subject to the prior right of recovery of the State Director of Health Services. A provider who has rendered services to a beneficiary because of an injury for which a 3rd party is liable, and who has received payment under the Medi-Cal program which did not cover the full amount of the provider's charges for the services, shall be entitled to a lien for the unpaid charges against any judgment, award, or settlement obtained by the beneficiary or the director against the 3rd party.

This bill would provide that when a Medi-Cal beneficiary has 3rd-party health coverage or insurance, the State Department of Health Services shall be the payer of last resort, would require certain health care service plan disability insurers of welfare benefit plans to maintain a file of specified identifying information of subscribers or policyholders and certain information on all other covered persons, and would require that it be made available, upon reasonable request, to the department.

The bill would also authorize the state department to pay the premium for 3rd-party health coverage in certain circumstances.

Ch. 941 (AB 3959) Allen. Education: pregnancy and parenting study.

This bill would make legislative findings regarding the need to assemble teen pregnancy and parenting information. This bill would direct the Health and Welfare Agency, in consultation with the State Department of Education, Youth and Adult Correctional Agency, the Department of Justice, the Department of Finance, and the Office of Criminal Justice Planning to assemble specified information, including identification of all state agencies which administer programs to pregnant and parenting teens.

This bill would require copies of the information to be provided to the Legislative Analyst on or before November 1, 1987. This bill would require the Legislative Analyst to provide recommendations to the Legislature in the 1988-89 fiscal year analysis of the Budget Bill.

Ch. 942 (AB 3897) N. Waters. Farm products: contracts.

(1) Existing law requires the Director of Food and Agriculture, upon the verified complaint of any interested party, to investigate, examine, or inspect farm product transactions which involve failure to make timely payments.

This bill would require the director to commence the investigation, examination, and inspection within 30 days of the filing of the complaint. The bill would also authorize the director, on his or her own motion, or require the director, upon a verified complaint, to commence to investigate, examine, or inspect charges that a processor may be insolvent or in an unsound financial condition.

(2) Existing law requires agricultural processors and produce dealers to be licensed by the director. It is unlawful for a licensed processor or produce dealer that has changed its legal entity to continue to operate after the change without obtaining a new license.

This bill would also make it unlawful for a licensed processor or produce dealer to continue to operate after the corporate status has been suspended by the Secretary of State. The bill would also require the licensee to notify the director within 15 days of any change in entity or corporate suspension. Violation of this requirement would be a misdemeanor; thus, the bill would impose a state-mandated local program by creating a new crime.

(3) Existing law authorizes the director, on his or her own motion, or requires the director, upon a verified complaint, to examine and audit books and records of a processor.

This bill would make the failure or refusal of a licensed processor to make books or records available to the director, or to otherwise obstruct an examination or audit, grounds to revoke or suspend the license.

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(4) Existing law provides a procedure for investigations and hearings by the director in disputes between processors or produce dealers and producers. If the director cannot effect a settlement, he or she is required to hold a hearing which may result in license suspension or revocation if it is determined that the licensee violated laws relating to agricultural processors or produce dealers.

This bill would revise the procedure for calling a hearing, notifying parties, and initiating the complaint process.

(5) Existing law prohibits as a misdemeanor acting as a processor or a produce dealer without a license. The punishment for this crime is a fine of not less than \$500 or more than \$2,000 or, imprisonment for up to one year, or both the fine and imprisonment.

This bill would increase the punishment to a fine of not less than \$10,000, imprisonment for up to one year, or both the fine and imprisonment.

(6) Under existing law, commission merchants are regulated as produce dealers. It is a violation of the laws relating to produce dealers for such a person to indulge in an unfair practice.

This bill would make it a violation of these laws if any commission merchant who collects or receives funds in connection with the sale of consigned farm products has made any use or disposition of these funds in his or her possession or control that endangers or impairs faithful and prompt payment to the consignor of the product or to any other person having a financial interest therein. Violation of this provision would be a misdemeanor; thus, the bill would impose a state-mandated local program by creating a new crime.

(7) Existing law relating to the Farm Products Trust Fund does not state that transactions with a licensed processor or producer after the licensee has filed for bankruptcy are not covered by the fund.

This bill would provide that any transactions, as specified, made with such a licensee are not covered until the bankruptcy is resolved.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 943 (AB 4302) Eaves. Power of sale. civil liability.

Existing law contains various provisions relating to mortgages and deeds of trust, including provisions governing the conduct of trustees' sales under a power of sale contained in such an instrument.

This bill would prohibit the issuance of a trustee's deed in such a nonjudicial foreclosure, make the trustee's sale and deed void, if issued, and require return of the trustee's deed, where, prior to the purported sale, the sale was enjoined and the injunction served upon the trustee or beneficiary, or the sale was stayed by operation of the laws relating to bankruptcy and the real property is located in the county in which the bankruptcy proceedings were commenced. Where the real property is located in a county other than that in which bankruptcy proceedings were commenced, it would provide that the deed is void and without legal effect upon the recordation, prior to sale, in the county in which the real property is located, of a notice of the stay order or a copy of the petition in bankruptcy, or the service of a written notice of commencement of the bankruptcy proceedings on the trustee or beneficiary.

Ch. 944 (AB 4313) Eaves. Insurance.

Existing law provides for the regulation of home protection companies and contracts.

This bill would authorize any insurance holding company, as specified, one of whose affiliates is a home protection company, as defined, to invest in or operate a corporation which provides home service contractor or dispatch services or appliance service or appliance repair services, as specified, and makes changes in terminology relative to existing provisions of law.

Existing law limits the amount of assessment levied against admitted insurers for the costs of administration and operation of the Bureau of Fraudulent Claims in the Depart-

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ment of Insurance to not more than \$500 in each fiscal year.

This bill would increase that amount from \$500 to \$1,000. That assessment is deposited into the Insurance Fund, a portion of which is continuously appropriated; thus, this bill would make an appropriation.

Existing law, which created the Bureau of Fraudulent Claims, will be repealed on January 1, 1988.

This bill would extend the date of repeal until January 1, 1992.

The bill would also require the bureau to annually compile and report to the Legislature specified information as a part of the Insurance Commissioner's annual report.

Ch. 945 (AB 4380) Hughes. Family law. child support

Existing law provides that in any proceeding in which there is at issue the support of a child, the court may order either or both parents to pay any amount necessary for the support, maintenance, and education of the child

This bill would authorize the court to order financial compensation for periods when a parent fails to assume the caretaker responsibility or when a parent has been thwarted by the other parent when attempting to exercise visitation or custody rights contemplated by custody or visitation orders or by a written or oral agreement between the parents. This bill would also authorize the court to order the recipient of child support, as specified, to notify the parent in the event that a contingency, which would relieve the parent of future child support liability, occurs

Ch. 946 (AB 4219) Wright. Civil law: support.

Existing law delineates the rights and duties of the parent and child relationship.

This bill would make various changes with regard thereto, including requiring notice to be given to the district attorney when a petition for the emancipation of a minor is filed, thus establishing a state-mandated local program by requiring a new duty of the court clerk

The bill also would provide that a judgment lien on real property is executed by recording an abstract, as well as filing a certified copy, of specified money judgments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 947 (AB 3528) Campbell. Vehicle occupant restraints

(1) Existing law requires a court in which a person has been convicted of any violation of the Vehicle Code to forward an abstract of the conviction to the Department of Motor Vehicles, with enumerated exceptions which do not include violations of passenger restraint requirements

This bill would include violations of passenger and child seat restraint requirements in the list of enumerated exceptions to the reporting requirement.

(2) Existing law requires a court to either dismiss a charge of a violation by a parent or legal guardian of the requirement to restrain a child in a child restraint system in his or her vehicle registered in this state if the person charged produces proof of obtaining such a restraint or to order the person charged to attend a program providing education in the use of child passenger restraint systems.

This bill would permit the court to dismiss the first charge under specified circumstances, and would revise and recast those provisions to make either or both of those orders discretionary with the court instead of alternatives. The bill would also delete the limitation in the prohibition to only vehicles registered in this state.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates

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Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 948 (AB 3439) Statham Aeronautics funds.

Existing law provides for annual payments of \$5,000 from the Aeronautics Account in the State Transportation Fund to public entities, including the University of California, operating airports, subject to certain requirements regarding the provision of matching funds by the recipient public entity, including a requirement that the public entity provide a sum at least equal to the amount to be paid by the California Transportation Commission or the Department of Transportation under these provisions. Existing law directs the department to make an annual payment to a county with a population under 1,000 without regard to the matching fund requirement. Existing law also permits a public entity to accrue these funds for 5 years, except as specified.

This bill would revise the matching fund requirement to instead require the airport operator to provide a sum from other than state or federal sources of at least 10%, but not more than 50%, of the nonfederal funded portion, as established annually by the commission.

The bill would delete the requirement for making an annual payment to a county with a population under 1,000 without regard to the matching fund requirement.

The bill would permit these funds to be granted to a community services district which operates an airport free of the matching funds requirement.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 949 (AB 1745) Hill. Harness racing.

Under existing law, every harness association which conducted its racing meeting in a single continuous period prior to January 1, 1979, as specified, is authorized to pay a daily state license fee at a reduced rate.

This bill would authorize a harness association which conducts its racing meeting at a county fair or district agricultural association to pay a daily state license fee at the same reduced rate.

Ch. 950 (AB 3567) Molina. Immigration consultants: referral fees

Existing law makes it a misdemeanor for an immigration consultant to engage in specified acts.

This bill would, in addition, make it a misdemeanor for an immigration consultant to (1) charge a client a referral fee or (2) fail to disclose the referral fee prohibition to clients, as specified. Thus, this bill would impose a new program or higher level of service upon local governments by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 951 (AB 3546) Lancaster. Business and professions.

(1) Existing law specifies the fees to be charged by the various boards, bureaus, committees, and commissions within the Department of Consumer Affairs.

This bill would authorize the department and any board within the department to charge a fee not to exceed \$25 for the issuance of a duplicate license.

(2) Existing law provides for the issuance of a citation and the assessment of a civil penalty against a landscape architect for any violation of specified provisions of law.

This bill would make a technical, nonsubstantive change in those provisions

(3) Existing law specifies the fees for the licensing of contractors.

This bill would make a technical, nonsubstantive change in those provisions.

(4) Existing law provides for the licensing and regulation of motor vehicle repair

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dealers.

This bill would provide that the making of any false statement or entry with a material matter in any oath, affidavit, certificate of compliance or noncompliance with the motor vehicle inspection program or application form shall constitute perjury and shall be punishable, as specified.

(5) Existing law makes it unlawful for any person to be a tax preparer unless registered and the law defines a tax preparer, for purposes of the Tax Preparers Act, as, among other things, any person who, for a fee, assists or prepares tax returns for others and any corporation which has associated with it persons who have responsibilities for the preparation of data and signatory authority on tax returns.

This bill would include in that definition any person or corporation holding himself, herself, or itself out as offering those services or having that signatory authority.

(6) Existing law provides that the administrator of the Tax Preparer Program serves under the direction and supervision of, and is responsible to, the Chief of the Division of Consumer Affairs of the Department of Consumer Affairs.

This bill would transfer that supervision and responsibility from the chief to the Director of Consumer Affairs and would make corresponding changes in related provisions.

(7) Existing law authorizes the administrator of the Tax Preparer Program to refuse to validate, or to suspend or revoke, the registration of a tax preparer for specified acts or omissions relating to the preparation of tax returns for others.

This bill would transfer that authority from the administrator to the Director of Consumer Affairs and would make related changes.

(8) Existing law provides for the licensing and regulation of employment agencies pursuant to the Employment Agency Act. Existing law authorizes the bureau, when issuing a license, to restrict the type of employment agency business which may be conducted to one or more of specified categories.

This bill would (a) revise the definition of a job listing service for purposes of licensure, (b) revise the requirements regarding the contents of the written contract, and (c) add employment counseling to the above list of categories specifying the types of employment agency businesses which may be conducted by licensees of the act.

(9) Existing law authorizes the Bureau of Personnel Services to suspend or revoke licenses issued to employment agencies after a hearing conducted in accordance with the Administrative Procedure Act and provides that the bureau has all the powers granted by the Administrative Procedure Act.

This bill would delete the granting of powers to the bureau under the Administrative Procedure Act, would require that any accusation or statement of issues relating to those proceedings are to be prepared and served under direction of the chief of the bureau, and would specify that any proposed decision relating to those proceedings shall be submitted to the Director of Consumer Affairs for adoption or rejection.

(10) Existing provisions of the Administrative Procedure Act provide that whenever a state agency files an accusation against any person, the agency shall serve a copy of the accusation on the person named as respondent. The law provides that a person may file a notice of a defense within 15 days after service of the accusation.

This bill would define file, files, filed, or filing for those purposes.

(11) Existing law provides that if a vehicle is to be tested and repaired at the same motor vehicle repair facility, no service or adjustment shall be performed unless the customer signs a statement that he or she understands that the service or adjustment may be done elsewhere.

This bill would instead require that the facility include on the written estimate a notice to the customer that the customer may choose another facility for any repairs or adjustments.

(12) Existing law provides that it is unlawful for any person to administer or use diagnostic or therapeutic X-ray on human beings unless they have been granted a permit by the State Department of Health Services. The law exempts from that prohibition, among others, a licensed dentist and any person acting under the supervision of a licensed dentist operating dental radiographic equipment, as specified.

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This bill would make a technical, nonsubstantive change in those provisions.

(13) Under existing law, various funds in the Business and Professions Code are continuously appropriated to specified boards, bureaus, committees, or commissions in the Department of Consumer Affairs. Provisions in this bill regarding fees would result in an increase in the moneys in those funds available for expenditure, thus the bill would constitute an appropriation

(14) This bill would impose a state-mandated local program by creating new crimes.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 952 (AB 3640) Katz. Salvage pools. notification.

(1) Under existing law, a salvage pool is a person engaged in the business of disposing of total loss salvage vehicles or recovered stolen vehicles, or both, for, or on behalf of, insurance companies or adjusters. Salvage pools are required to maintain an accurate record of every vehicle acquired and disposed of.

This bill would recast those provisions and require a salvage pool to notify the Department of Motor Vehicles of the disposition of any vehicle as specified. A violation of this provision would be an infraction, thereby imposing a state-mandated local program.

(2) Existing law requires a salvage certificate for a total loss salvage vehicle, as defined, which is sold or disposed of through a salvage pool, to be delivered to a purchaser within 10 days after purchase of a total loss vehicle.

This bill would delete the restriction on the application of that provision to only those total loss salvage vehicles sold or disposed of through a salvage pool and would require the department to administer the Vehicle Code provisions pertaining to salvage pools on and after July 1, 1987. A violation of this provision would be a misdemeanor, thereby imposing a state-mandated local program.

(3) The bill would make other technical nonsubstantive changes

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 953 (AB 3082) Connelly. Courts

(1) Existing law provides that municipal and justice courts have original jurisdiction of civil cases and proceedings in all proceedings in forcible entry or forcible or unlawful detainer, including (a) actions to recover possession of real property where rent is charged, the amount of the last rental charged is \$1,000 per month, or less, and the whole amount of damages claimed is \$25,000 or less, and (b) all other actions to recover possession of real property where the rental value is \$1,000 per month or less, and the whole amount claimed is \$25,000 or less.

This bill would, until January 1, 1990, unless that date is deleted or extended by a later enacted statute, increase the original jurisdiction of municipal and justice court judges by including actions to recover possession of residential real property where rent is charged and the whole amount of damages claimed is \$25,000 or less, without regard to the amount of the last rental charged, and by increasing the \$1,000 specified in (b) above to \$1,500.

(2) Existing law specifies the means of proving that a summons was served.

This bill would require, operative July 1, 1987, that all proof of personal service be made on an official form adopted by the Judicial Council.

(3) Existing law requires all pleadings subsequent to the complaint to be filed with the clerk or judge, and copies thereof served upon the adverse party or his or her attorney

This bill would, except with leave of the court, require the filing and service to include proof of service, unless a summons needs to be issued.

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(4) Existing law, which will be repealed on January 1, 1988, specifies that the right to trial by jury in a civil action is waived by failing to deposit, with the clerk or judge, advance jury fees 14 days prior to the date set for trial and provides that the advanced jury fee shall not exceed the amount necessary to pay the average mileage and fees of 20 trial jurors in the court to which the jurors are summoned.

This bill would provide instead for the waiver of trial by jury by failure to deposit, with the clerk or a judge, advance jury fees 25 days prior to the date set for trial.

(5) Existing law provides that if, at the time appointed, any defendant served with a summons in a forcible detainer action does not appear and defend, the clerk, or the judge (if there is no clerk), upon written application of the plaintiff and proof of the summons and complaint, shall enter the default of any defendant so served.

This bill would provide for a default instead upon written application of the plaintiff together with an affidavit affirming that the defendant or defendants are still in possession of the premises and proof of the service of the summons and complaint and the proof of service of the notice of termination of tenancy together with a copy of the notice of termination.

(6) Existing law provides for the retention by the county clerk of various documents for specified periods of time.

This bill would provide that, unless another provision of law specifies a longer retention period, the county clerk may destroy or otherwise dispose of any paper or document filed with or submitted to him or her more than one year previously, as specified.

(7) Existing law provides that upon receipt of a written request from a party or his or her attorney, the county clerk shall defer the disposal of the case file of a civil action or proceeding 5 years beyond the retention period otherwise specified, and during that time shall provide copies of the case file upon request and payment of prescribed fees.

This bill would repeal that provision, and add a provision requiring the destruction of records on appeal to the superior court from municipal or justice court 10 years after the decision is final.

(8) Existing law provides that judges of the municipal court shall be allowed traveling expenses of 10¢ a mile for each mile actually traveled when the business of the court requires their attendance in any department or in any session situated or held more than 12 miles from the principal office or the place designated by the board of supervisors for holding regular sessions of the court.

This bill would provide instead that judges of the municipal court shall be allowed traveling expenses of twenty and one-half cents for each mile actually traveled when the business of the court requires their attendance for holding regular sessions of the court at a location other than that designated as their principal office, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(9) Existing law requires the clerk of the court, or one or more deputy clerks to be in attendance at each department at the municipal court at all hours of the day and night, including Sundays and holidays, to fix and accept bail pursuant to a schedule of bail adopted by the court.

This bill would expand this provision to require the clerk of the court or one or more deputy clerks, the sheriff or one or more deputy sheriffs, or one or more city police officers to be in attendance, and would authorize any of them to fix and accept bail pursuant to the schedule of the bail adopted by the court, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(10) Existing law provides that specified misdemeanors may be prosecuted as infractions.

This bill would add the willful violation of a written promise to appear in court to the list of misdemeanors which may be prosecuted as an infraction.

(11) Existing law provides for the issuance to the Department of Motor Vehicles by a court hearing certain cases of a certificate signed by the magistrate or the clerk of the court showing the disposition of the case.

This bill would provide instead for those certificates to be issued, rather than signed,

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by the magistrate or clerk of the court.

(12) Existing law provides for the forfeiture of bail in specified instances when personal appearance is not required.

This bill would revise that provision to include parking penalties, and make related changes. The bill would also correct an outdated cross-reference to the section pursuant to which penalty assessments are levied

(13) The bill would incorporate changes in Section 40519 of the Vehicle Code, proposed by SB 2042, which would become operative only if this bill and SB 2042 are both enacted and this bill is enacted last.

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 954 (AB 1658) Isenberg Agricultural water management planning

(1) Under existing law, local agricultural water suppliers are not generally required to adopt and enforce water conservation plans

This bill would enact the Agricultural Water Management Planning Act to require every agricultural water supplier supplying more than 50,000 acre-feet of water annually for agricultural purposes directly to customers to prepare a prescribed information report and, would require those suppliers that determine that a significant opportunity exists to conserve water or reduce the quantity of highly saline or toxic drainage water to prepare and adopt, in accordance with prescribed requirements, an agricultural water management plan meeting specified guidelines. The bill would require the Department of Water Resources to reimburse each supplier for the cost of preparing the informational report, not to exceed \$5,000 per report and to reimburse each supplier preparing an agricultural water management plan, not to exceed \$25,000 per plan, and would specify that no supplier shall be required to prepare a plan unless funds are appropriated to reimburse the supplier for its costs associated with the plans by the 1990-91 fiscal year. The bill would authorize an agricultural water supplier indirectly providing water to customers to adopt an agricultural water management plan or to participate in specified planning activities.

The bill would require the plan to be filed with the department, and would require the department to prepare and submit to the Legislature a report summarizing the status of the plans not later than January 1, 1993. The bill would specify requirements for actions or proceedings arising under the bill and would specify related matters.

The bill would impose a state-mandated local program as its requirements would be applicable to local public agencies

The bill would make legislative findings and declarations in this connection.

The bill would remain operative only until January 1, 1993, except that if, an agricultural water supplier fails to submit its required information report or agricultural water management plan prior to January 1, 1993, it would remain operative for that supplier until it has submitted the report or plan, or both.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs or mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill above the limits specified in (1) above shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

(3) The bill would appropriate \$250,000 from the Bosco-Keene Renewable Resources Investment Fund for payment of claims for preparation of informational reports re-

quired by the bill.

Ch. 955 (AB 3499) Baker. San Francisco Bay Area Rapid Transit District.

Existing law creates the San Francisco Bay Area Rapid Transit District, and authorizes it, among other things, to operate parking lots for users of the system.

This bill would request the district to submit a report to the Legislature by December 15, 1986, addressing specified topics relative to the carpool parking control system implemented by the district at its Orinda Station.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 956 (AB 672) Cortese City incorporation: district formation: property tax revenues.

(1) Existing law requires a local agency formation commission, in reviewing any proposal for the incorporation of a city or the formation of a special district, to make various determinations and calculations relative to the cost of services provided in the affected territory by existing local agencies and the proportionate amount of property tax revenues used to provide such services, for purposes of determining the amount of property tax revenue to be exchanged, and to notify the county auditor of the results of the commission's calculations.

This bill would impose a state-mandated local program by requiring the county auditor to determine the amount of property tax revenue to be exchanged by the affected local agencies in a different manner and by requiring local agency formation commissions to follow a different procedure with regard to those calculations. This bill would permit the commission, in certain instances, to provide that the exchange of property tax revenues between a county and a newly incorporated city be phased in over a period not to exceed 12 fiscal years.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 957 (AB 4206) Peace. Health insurance: claim reimbursement.

Existing law, with respect to policies of disability insurance, self-insured employee welfare benefit plans, nonprofit hospital service plans, and health care service plans does not set a specific time limit for reimbursement of claims made pursuant to the policy or plan.

This bill would provide for reimbursement as soon as practical but no later than 30 working days after receipt of the claim, except that for a health care service plan that is a health maintenance organization reimbursement would be required no later than 45 working days after receipt of the claim. These provisions would apply to any claim, whether in state or out of state, unless contested by the insurer or plan.

Ch. 958 (AB 3322) Rogers. Hazardous waste: mining waste.

Existing law imposes specified fees and taxes upon the disposal of hazardous waste, to be used, respectively, for the administration of specified hazardous waste provisions by the State Department of Health Services and for the cleanup of hazardous substance releases.

This bill would exempt, from these fees and taxes, the previous disposal of mining waste subsequently classified as nonhazardous, as specified, and would prohibit the assessment of these fees and taxes upon that waste, if the waste is not significantly different from the waste classified as nonhazardous.

The bill would make a statement of legislative intent concerning the public purpose of the tax and fee exemption.

Ch. 959 (AB 3533) Campbell. Air pollution: violations.

Existing law provides that the time within which prosecution is required to be commenced for designated hazardous waste and water pollution violations does not com-

mence to run until the offense is discovered or would reasonably have been discovered.

This bill would extend this provision to designated air pollution violations.

Ch. 960 (AB 2763) Frizzelle. Driver's licenses: fraud: Department of Motor Vehicles: field office.

(1) Under existing law, an applicant for an original driver's license is required to take an examination administered by the Department of Motor Vehicles, testing both the applicant's knowledge and understanding of provisions of the Vehicle Code and performance of operation of the class of vehicle the applicant desires to be licensed to drive.

Under existing law, it is a crime to knowingly make a false statement or knowingly conceal a material fact in any document filed with the department.

This bill would impose a state-mandated local program by making it an infraction for a first conviction, and a misdemeanor for a second conviction, for any person to sell, offer for sale, distribute, or use any crib sheet or cribbing device, as defined, containing the answers to any examination administered by the department for any class of driver's license, permit, or certificate, or to impersonate or allow the impersonation of an applicant for the purpose of fraudulently qualifying that applicant for any class of driver's license, permit, or certificate.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 961 (AB 3220) Robinson. Executors and administrators. compensation.

Existing law specifies a generally applicable compensation schedule for executors and administrators of decedents' estates. Existing law authorizes this compensation at the rate of 1% of the portion of an estate exceeding \$1,000,000 in value.

This bill would revise this compensation rate, for the portion of an estate exceeding \$10,000,000 in value, to make the rate $\frac{1}{4}\%$ for amounts above \$10,000,000 and a reasonable amount determined by the court for estates valued above \$25,000,000.

Ch. 962 (AB 1618) Farr. San Lorenzo Valley Water District.

Under existing law, the State Water Resources Control Board, subject to the approval of the Director of Finance, is authorized to make construction loans from the State Water Quality Control Fund to local agencies for waste water treatment facilities.

This bill would authorize the State Water Resources Control Board, subject to approval by the Director of Finance, to make a loan to the San Lorenzo Valley Water District from the State Water Quality Control Fund, upon certification of a specified report of the district, and upon agreement by the County of Santa Cruz to undertake a specified program concerning onsite waste water disposal systems, in an amount not to exceed \$1,500,000, upon terms and conditions determined by the state board, to provide assistance to the district in meeting its cash-flow problems. The bill would prohibit the district as a condition of the loan from undertaking specified activities concerning onsite waste water disposal systems during the actual term of the loan.

The bill would make legislative findings and declarations.

The bill would make an appropriation since it would authorize the expenditure of money from the State Water Quality Control Fund for a new purpose.

Ch. 963 (AB 3228) Costa. Transportation funds: counties and cities.

(1) Under existing law, \$125,000,000 was appropriated in Item 9675-101-890 of the Budget Act of 1985 and \$215,000,000 was appropriated in Chapter 1500 of the Statutes of 1985 to the Controller for allocation to counties and cities for street and highway maintenance and reconstruction. A county or city receiving an allocation is required, until July 1, 1987, to expend a specified amount (its base year expenditure) for maintenance or reconstruction and is required to expend its allocation within one year of the disbursement. If not, its gas tax allocation for the next fiscal year would be reduced unless it returns the allocation it received to the Controller by a specified time.

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This bill would allow counties, and cities in those counties, which were declared to be in a state of disaster for the period ending March 10, 1986, until October 1, 1987, to expend funds allocated from the \$215,000,000 appropriation in Chapter 1500 of the Statutes of 1985. The bill would also allow all counties and cities until October 1, 1987, to expend allocations from the Budget Act appropriation.

The bill would define the term "revenue received," as used in the bill, for purposes of calculating reductions in the base year expenditure of a city or county.

The bill would postpone until September 1, 1987, requirements for withholding and reallocating to other counties and cities, an allocation not expended by a specified time, if a city or county, on or before October 1, 1986, files with the Controller a written notice declaring its inability to comply with the expenditure matching requirement. The bill would prescribe the contents of that notice. The bill would require the Controller, by November 1, 1986, to transmit to the legislative transportation committees and the Joint Legislative Budget Committee the information submitted in those notices from counties and cities.

The bill would delete the July 1, 1987, termination date of the expenditure matching requirement.

(2) Chapter 41 of the Statutes of 1986 increased the allocations referred to in (1) above for cities incorporated after July 2, 1984, which did not receive an allocation during the 1985-86 fiscal year.

This bill would revise the amount of that increased allocation, and would make the increase applicable to any city whose incorporation was effective between July 1, 1984, and October 2, 1986, inclusive.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 964 (AB 3993) Clute. School and community college districts

Existing law requires the governing board of a school district to which territory is to be transferred to set a date for a public hearing within 60 days of the receipt of the petition by the county superintendent and county committee of affected districts.

Existing law also requires the governing board of each affected high school or unified school district to set a date for a hearing within 60 days of the receipt of the petition to form a new community college district by the county superintendent and county committee of each component school district and community college district affected.

This bill instead would require the governing board of each affected district to set a date for a hearing within 60 days of the receipt of the petition forwarded, as specified, to each affected governing board.

This bill would also define the term "affected districts" for the purposes of district reorganization or formation.

Ch. 965 (AB 3434) Eaves. Emergency medical services

(1) Under existing law, provision is made for establishing an emergency medical services agency in each county to provide emergency medical services.

This bill would provide that, in San Bernardino County, it shall be competent for any local emergency medical services agency which establishes exclusive operating areas to make specified determinations.

Ch. 966 (AB 2092) Farr. Schools seven class period schoolday

Existing law provides school districts with specified financial incentives for offering a longer instructional day and year.

This bill would require the Superintendent of Public Instruction to report on the length of schooldays to the Legislature no later than January 1, 1988, and would require that the report contain information regarding the number of districts that have 4-, 5-, 6-, and 7-period days.

Ch. 967 (AB 4364) Condit. Sales and use tax exemptions: youth organizations

The existing California Sales and Use Tax Law exempts from the tax imposed by that law food products, nonalcoholic beverages, and other tangible personal property which are sold on an irregular or intermittent basis by any nonprofit organization, youth group

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sponsored by a school district, or other organization the primary purpose of which is to provide a supervised program for youth or to promote good citizenship in youth, as specified, and which are made or produced by members of the organization. It expressly limits the exemption to a list of specified organizations.

This bill would add to this list of specified organizations.

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that there is no reimbursement or appropriation to local agencies pursuant to the bill because the revenue losses are minor and will not cause any financial burden to local government.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 968 (AB 3223) Harris. Civil actions: choice of law and forum.

Existing law generally provides for interpretation of a contract in accordance with the law of the place where it is to be performed or, if no place is designated for performance, the law of the place where made. Existing provisions of the Commercial Code permit parties to transactions subject thereto, with certain exceptions, to designate the law of a particular state or nation to govern the transaction where the transaction bears a reasonable relation to the state or nation chosen.

This bill would, with certain exceptions, additionally permit parties to a contract, agreement, or undertaking arising out of a transaction of at least \$250,000 to designate the law of this state to govern their transaction, regardless of whether the transaction bears any relation to this state. The bill would exempt court actions arising from these contracts, agreements, or undertakings from existing law authorizing courts to stay or dismiss actions on the basis that the interests of substantial justice require the action to be heard in an out-of-state forum. The bill would specifically authorize the use of the courts of this state to litigate an action against a foreign corporation or nonresident person involving a contract, agreement, or undertaking relating to a transaction of at least \$1,000,000 if the foreign corporation or resident submits to the jurisdiction of this state's courts.

The changes that the bill would make would be repealed on January 1, 1992, without further action of the Legislature.

This bill would specify that it would go into effect immediately as an urgency statute and apply to contracts executed, and actions on other contracts that are commenced, on or after the bill's effective date.

Ch. 969 (AB 3788) Cortese. Wheelchair lifts: uniform safety standards.

Existing law requires the Department of the California Highway Patrol to adopt rules and regulations regarding the safe operation of specified vehicles, including buses, and the department has adopted regulations for wheelchair lifts on buses.

Existing law also requires the Commissioner of the California Highway Patrol to appoint a 15-member committee representing the industries subject to the regulations to act in an advisory capacity to the department.

This bill would, on and after July 1, 1987, require the department to review and bring up to date annually, taking into consideration the costs of implementing them, any rules or regulations regarding the construction, testing, or certification of wheelchair lifts for installation and use on buses. The bill would require on and after July 1, 1987, that a separate committee be appointed by the commissioner to advise on rules and regulations concerning the installation of wheelchair lifts on buses, and would specify the qualifications of the members.

The bill would make other technical and conforming changes.

This bill would require the Department of Rehabilitation, in cooperation with specified state departments, and with specified people, to form a committee to develop

uniform safety standards, taking into consideration the costs of their implementation, for the design, manufacture, installation, performance, and use of the lifts in private and publicly owned paratransit vehicles, as specified.

The bill would require the Department of Rehabilitation to submit a report setting forth findings and recommendations on the uniform safety standards developed by the committee to the Legislature by January 1, 1988.

Ch 970 (AB 3722) Costa. Water transfers.

Under existing law, it is the policy of the state to facilitate the voluntary transfer of water and water rights where consistent with the public welfare of the place of export and the place of import

This bill would require the Department of Water Resources to establish an ongoing program to facilitate the voluntary exchange or transfer of water and implement the various state laws that pertain to water transfers. The bill would require the department to prepare a water transfer guide containing specified information and to compile related information, as prescribed.

The bill would also require the department to report to the chairpersons of specified committees of the Legislature by July 1, 1987, its findings and recommendations as to any changes in existing law or state policy necessary to improve water management by the use of voluntary water transfers.

The bill would make legislative findings and declarations in this connection.

Ch. 971 (AB 3088) O'Connell. Water quality: solid waste disposal

(1) Under existing law, when a California regional water quality control board revises the waste discharge requirements for a solid waste disposal site, the regional board is required to consider information in the solid waste assessment test report submitted by the operator of the solid waste disposal site to the regional board.

This bill would require the regional board to consider, in addition, any other relevant site-specific engineering data provided by the site operator for that solid waste disposal site as part of a report of waste discharge.

(2) Under existing law, the State Water Resources Control Board is required to rank all solid waste disposal sites based upon the threat which the sites pose to water quality. The operators of the first 150 sites ranked on the list are required to submit a solid waste water quality assessment test to the appropriate regional board by January 1, 1987. On or before January 1 of each succeeding year, the operators of the next 150 sites are required to submit those tests to the regional board.

This bill would extend the date for the submission of these tests from January 1, 1987, to July 1, 1987, and to July 1 of each succeeding year and would make other related changes.

(3) The bill would incorporate additional changes to Section 66796.54 of the Government Code proposed by AB 3374, if this bill and AB 3374 are both enacted and this bill is enacted last.

Ch 972 (AB 3018) Leonard. Developmental disabilities: work-activity provider rates

Under existing law, habilitation services are required to be provided by the Department of Rehabilitation for adults with developmental disabilities, as defined. Commencing with the 1984-85 fiscal year, the department is required to establish a rate for each work-activity provider which shall be the sum of the rate which that provider would receive under specified provisions of law, plus a percentage increase based upon the ratio which \$1,800,000 bears to the amount provided for these services in the 1984-85 Budget Act, except that the approved rate shall not be less than 85% of the rate paid in the 1983-84 fiscal years. This rate is the work-activity provider's rate through the 1987-88 fiscal year, subject to increases provided for by law.

This bill would, instead, specify that the work-activity provider rate set by the department in the 1984-85 fiscal year for a work-activity program shall remain the rate of the work-activity program until July 1, 1988, subject to rate adjustments provided for by law, unless the department establishes a new rate procedure and new rates are effective

prior to that date.

Under existing law, the department is authorized until July 1, 1988, to set rates for new work activity programs. Until July 1, 1988, existing law sets forth a rate structure methodology used by the department for determining rates for new work activity programs which have no historical cost period.

This bill would revise the rate structure methodology used by the department for the new programs that have no historical cost period. The bill would specify that the department may also purchase habilitation services from new work-activity programs, require the initial rate for a new work-activity program to be based on a statewide average, and require the rate for a new work-activity program that has a historical period of at least 3 months to be set by the department. These provisions would be repealed on July 1, 1988.

This bill would provide that commencing in the 1986-87 fiscal year, the department shall set hourly rates, as specified, for supported employment, as defined.

This bill would also authorize the Habilitation Services Program to approve or disapprove proposals for supported employment components submitted to the Habilitation Services Program, based on certain criteria, as specified, and would authorize the Habilitation Services Program to monitor the performance of these programs or components.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 973 (AB 1186) Areias. Implements of husbandry: trailers.

(1) Under existing law, implements of husbandry are treated differently than other vehicles in that, among other things, they are not subject to registration and licensing requirements.

Existing law defines an implement of husbandry as including various specified types of trailers, wagons, and other agricultural vehicles.

This bill would revise the definition of an implement of husbandry to include and exclude specified agricultural vehicles. The bill would specify that, for the purpose of laws related to implements of husbandry, empty bins, pallets, and tiedown straps are not considered a load when transported within the parameters of agricultural operations, but shall not exceed a total outside width of 102 inches, and when transporting these items, the farm trailer or other vehicle would continue to be regulated pursuant to those laws. The bill would also exempt other specified agricultural vehicles from registration and impose licensing requirements upon drivers of implements of husbandry under specified conditions, a violation of which would be an infraction. The bill would authorize the Commissioner of the California Highway Patrol, by regulation, to prohibit specified farm vehicles exempt from registration which may be operated with a class 3 driver's license, from operating on specific routes, and would limit the distance that these vehicles may operate on the highway depending on the laden or unladen weight of the vehicle, as specified, a violation of which would be an infraction, thereby imposing a state-mandated local program. The bill would also authorize or require the display of warning lamps, turn signals, or red flags during daylight hours, as specified, with respect to the operation of implements of husbandry, farm vehicles, or vehicles escorting or towing those vehicles. When an implement of husbandry is operated in a combination of vehicles that exceeds specified length requirements, the bill would limit the combination to 2 vehicles in tandem.

(2) Under existing law, implements of husbandry transported or moved over a part of the National System of Interstate and Defense Highways as a load on another vehicle are prohibited from being operated for a distance in excess of 25 miles from the point of origin of the trip if the load exceeds 96 inches in width.

This bill would increase that maximum width to 102 inches.

(3) Under existing law, limitations as to width, as set forth in the Vehicle Code, do not apply to trailers, semitrailers, and lift carriers used exclusively for the transportation of implements of husbandry or tools used as described, except with respect to specified vehicles.

This bill would also except from those limitations any trailer or semitrailer having no bed and used solely for transporting a hay load or swather, but would prohibit that vehicle from exceeding a width of 174 inches.

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(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating a new infraction or changing the definition of an infraction.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 974 (AB 2815) Hannigan. Income taxes: bank and corporation taxes.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, various statutes make reference to other sections in the Revenue and Taxation Code and the Internal Revenue Code.

This bill would correct various erroneous or obsolete section references in those laws.

Existing law provides for the deduction of state and local sales and use taxes. However, the existing Personal Income Tax Law and Bank and Corporation Tax Law provides that no deduction shall be allowed for sales or use tax paid or incurred in connection with the purchase of qualified property by a qualified business in certain depressed areas and enterprise zones for which a tax credit is claimed.

This bill would make technical nonsubstantive changes to that disallowance of a deduction.

The existing Bank and Corporation Tax Law contains special provisions concerning the declaration of estimated taxes for income years beginning before January 1, 1972. It also contains a special provision excluding from the estimated tax the tax on preference income with respect only to income years beginning after December 31, 1971, and before January 1, 1973.

This bill would repeal those provisions.

Existing provisions of SB 85 of the 1985-86 Regular Session require qualified taxpayers who elect to determine their income derived from or attributable to sources within this state for bank and corporation tax purposes pursuant to a water's-edge election to make an annual contract payment to the Franchise Tax Board as a condition of making that election. SB 85 provides that in no event shall the annual contract payment of a qualified taxpayer be less than ten-thousandths of the sum of its property, payroll, and sales in this state for the current year.

This bill would revise the annual minimum payment amount from ten-thousandths of the sum of the above three factors to ten-thousandths of 1% of the sum of the above three factors. The operation of this revision would be conditional upon SB 85 becoming operative, in which case the revision would become operative on January 1, 1988.

Ch. 975 (AB 3958) Allen. School finance.

Existing law prescribes a method of determining state apportionments to school districts based generally on the computation of district revenue limits less property tax revenues received. District revenue limits are adjusted for various factors, including a prescribed equalization adjustment for the 1985-86 fiscal year only.

This bill would extend the equalization adjustment to the 1986-87 fiscal year.

Existing law requires that each county superintendent of schools make specified calculations to determine a revenue limit for each school district in the county. Existing law requires that this calculation contain an equalization adjustment for the 1985-86 fiscal year.

This bill would [require that the calculation contain an equalization adjustment also for the 1986-87 fiscal year. The bill would]* state the legislative intent to make changes in state apportionments to school districts in the 1986-87 fiscal year and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year.

Ch. 976 (AB 3941) Condit. Child witnesses: child abuse.

Existing law contains various provisions specifying procedures concerning, and the rights of, child witnesses.

This bill would authorize counties to establish a 3-year pilot project authorizing the

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appointment by the court of a children's representative to represent the interests of a minor under the age of 14 in any criminal action in which an act of child abuse or molestation by an immediate family member is alleged, as specified. The bill would require counties participating in the program to report to the Legislature, as specified. It also would authorize, and require in counties taking specified action, the provision of a room, as specified, for the use of minors under the age of 16, as specified.

Ch. 977 (AB 2631) Costa. Fish and Wildlife Pollution Cleanup and Abatement Account.

Under existing law, all money collected under the Fish and Game Code and any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibians is paid into the Fish and Game Preservation Fund, unless otherwise provided. Existing law imposes civil damages for the prohibited taking or destruction of fish and game and applies against activities both of persons and of public agencies, and the measure of damages is compensation for the detriment caused.

Existing law prohibits the intentional or negligent depositing of oil or other refuse or material deleterious to fish, plants, or birds in state waters, and imposes civil penalties and cleanup costs which go to the agency which cleans up the oil deposits. The Department of Fish and Game is specifically authorized to perform cleanups under these provisions.

Existing law permits a public agency having authority to clean up a waste, or abate the effects thereof, to apply to the State Water Resources Control Board for funds from the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund for these purposes.

Existing law also makes certain responsible persons liable for actual damages and for costs of removal of materials having specified deleterious effects which are in, or threatening to enter, the waters of the state, with recoveries to be deposited in the Fish and Wildlife Pollution Cleanup and Abatement Account in the Fish and Game Preservation Fund. The account is continuously appropriated to the department for specified purposes, with certain excesses on June 30 of each year to be transferred to other specified funds and accounts.

Existing provisions of the California Constitution generally require money collected under any state law relating to the protection or propagation of fish and game to be used for activities relating thereto.

This bill would require that any recovery or settlement of money damages, including civil penalties, arising out of any civil action filed and maintained by the Attorney General under any of the specified provisions be deposited in the Fish and Wildlife Pollution Cleanup and Abatement Account, and the bill would, instead, require the use of those moneys in the account in excess of \$500,000 on June 30 of each fiscal year for projects in the succeeding fiscal year devoted to the preservation of California plants, wildlife, and fisheries, to the extent consistent with those constitutional restrictions, thereby making an appropriation.

The bill would also require any money paid from the State Water Pollution Cleanup and Abatement Account by the State Water Resources Control Board to the Department of Fish and Game to be deposited in the Fish and Wildlife Pollution Cleanup and Abatement Account, thereby making an appropriation.

Ch. 978 (SB 1815) Davis. Water quality control- construction loans.

Under existing law, the State Water Resources Control Board is authorized to make construction loans from the State Water Quality Control Fund to public agencies for waste treatment facilities, in accordance with prescribed procedures and requirements.

This bill would revise the method by which the rate of interest on the loan is calculated.

Ch. 979 (SB 1737) Bergeson. Juvenile court law.

Existing law contains a provision, operative until January 1, 1989, authorizing Kern and Los Angeles Counties to receive or contain a maximum of 125 children, rather than the generally applicable maximum of 100 children, in any of their juvenile homes, ranches,

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camp, or forestry camp, upon approval of a request therefor by the Department of the Youth Authority.

This bill would extend this authorization to all counties.

Ch. 980 (SB 2515) Keene. Voter registration files.

Former provisions of law, until December 31, 1985, required the Controller to reimburse counties from moneys appropriated by the Legislature for additional costs incurred by counties in purging voter registration files as required by law. It specified the formula pursuant to which reimbursable costs to each county were determined and limited the cost to 10¢ per registered voter.

This bill would reinstate the requirement that the Controller reimburse counties from moneys appropriated by the Legislature for costs incurred in purging voter registration files. It would make conforming changes by adding and repealing related provisions of law.

This bill would require the Secretary of State to conduct a study and to make recommendations on an alternative to the actual-cost reimbursement formula formerly prescribed by law. It would require the study to be submitted to the Legislature no later than September 30, 1987.

The provisions requiring the study would remain in effect only until January 1, 1988, and as of that date would be repealed.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 981 (SB 2434) Presley. PERS: contracting counties-alternative retirement plan: public health departments or districts.

(1) The existing Public Employees' Retirement Law (PERL) presently prescribes various retirement formulas and benefits, contribution rates, and minimum retirement ages for the various membership categories of the retirement system.

This bill would authorize a contracting agency which is a county of the 11th class, after executing an agreement therefor with recognized employee organizations, to elect to amend its contract to be subject to alternative sets of benefits for its local miscellaneous members who are also covered under the federal Social Security Act and for all its local miscellaneous members. The new benefits plans would provide for, among other things: a 5.000%-at-age-50 to 1.5000% -at-and-over-age-65 service retirement formula; a 1.376%-at-age-50 to 2.418%-at-and-over-age-59 service retirement formula, irrevocable elective participation by new employees; and irrevocable elective participation by current employees. This new authorization would impose state-reimbursable state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

This bill would appropriate \$40,000 from the Public Employees' Retirement Fund to the Public Employees' Retirement System for the implementation of this new authorization.

(2) The PERL provides for the formation, amendment, and termination of contracts with public agencies.

This bill would provide for the continuation of membership in PERS of employees of a public health department or district whose management is assumed by a county of the 15th class.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by this bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 982 (SB 1685) Bergeson Local government.

Existing law prescribes the form for the enacting clause of an ordinance submitted to voters of a county

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This bill would make a technical nonsubstantive change in that provision

Existing law requires the records and minutes of the board of supervisors to be signed by the chairperson and the clerk and permits the board to authorize by resolution the use of a facsimile signature of the chairperson of the board on all papers, documents, or instruments requiring his or her signature

Existing law provides that an entity created under the joint exercise of powers law to provide for local bond pooling may issue bonds and prescribes the conditions for their issuance.

This bill would provide additional conditions on the time, place, and terms of the sale of bonds and would authorize the issuance of interim receipts, certificates, or temporary bonds funding the preparation of the definitive bonds.

This bill would require the records and minutes of the board acting in any capacity to be signed by the chairperson and the clerk and would permit the use of a facsimile signature of the chairperson when the board is acting in any capacity.

Existing law permits a county to make transfers and revisions with respect to the appropriations specified in the resolution of adoption of the budget, except with respect to transfers from the appropriations for contingencies, by an action formally adopted by the board of supervisors. With respect to a county with a population of 500,000, or more, by an action formally adopted by the board, the board may approve the addition of fixed assets, if specified, to the fixed assets identified in the resolution of the budget if the additions do not exceed \$2,500 per purchase

This bill would repeal the provision relating to counties with a population of over 500,000

Existing law prescribes the form of affidavits for county clerks and officers authorized and not authorized to accept fees for their services with regard to fees and moneys collected by them

This bill would delete those provisions, and would make related changes.

Existing law provides for the deposit in the county school fund of the proceeds or income from gifts, bequests, and devises without specified purposes

This bill would, instead, require the deposit of those proceeds or income into the county general fund.

Existing law permits all special districts with the unanimous approval of the board of supervisors to replace the annual special audit with a biennial audit.

This bill would provide, instead, that a special district may so replace the annual special audit with a biennial audit

Existing law provides for the destruction of county records when various conditions are present.

This bill would provide that the county recorder may destroy papers or documents a year after they have been filed or submitted if the paper or document has been microfilmed and unless another provision of law requires a longer retention period or the recorder determines that there is a need for the retention of the paper or document

Existing law permits a city council member to refer to himself or herself as either a councilman or councilwoman

This bill would, in addition to the above, authorize any member of the city council to designate himself or herself as a councilmember

Existing law with respect to cities requires that budgeted demands paid by warrants or checks prior to audit by the legislative body be presented to the legislative body for ratification and approval at the first meeting after delivery of the warrants or checks.

This bill would provide, instead, that budgeted payrolls and demands paid by warrants or checks may be presented to the legislative body for ratification and approval in the form of an audited comprehensive annual financial report

Existing law provides that a city or county shall post or publish its ordinances in a newspaper as required by chapter or statute.

This bill would delete that provision of law.

Existing law provides procedures for cities and counties to collect fees from developers for providing excess sewer capacity.

This bill would make a technical nonsubstantive change in that provision.

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Existing law permits special districts to be consolidated or reorganized into community services districts without an election, but requires an election to select the new board of directors.

This bill would permit the county board of supervisors to appoint the initial board of directors of a community services district that is formed through consolidation or reorganization without an election, as specified.

Existing law relating to the control of vectors, which includes mosquitoes, flies, other insects, ticks, mites, and rats capable of transmitting diseases, as specified, defines "exotic vector" as a vector species not native to California and not commonly found in the state as determined by regulation of the State Department of Health Services.

This bill would delete the phrase "as determined by regulation of the state department."

Existing law, relating to mosquito abatement districts and vector control districts, permits the district board to levy by resolution or ordinance, a service charge or benefit assessment against any or all parcels within the district to pay for the cost of inspection and protection against vectors and to classify parcels according to their use in relation to the cost of vector control.

This bill would permit the board to classify parcels according to their use in relation to the cost of vector surveillance and control and would preserve previously adopted resolutions or ordinances adopted to levy benefit assessments.

Existing law, relating to the financing and execution of vector surveillance and control projects, requires the district board to follow specified procedures of notice and hearings in order to assess costs in the zones where the projects take place.

This bill would revise and recast those provisions

Existing law provides alternatives in the composition of the membership of a board of directors of a county sanitation district, including the election of one or more of its members.

This bill clarifies the election procedures for a board of directors of a county sanitation district, and requires a county board of supervisors to determine the number of directors on the board in specified circumstances in the Arvin Sanitation District in Kern County. This constitutes a state-mandated local program on the Arvin Sanitation District as it would be required to pay for the election of the number of directors as determined by the board of supervisors.

Existing law provides that a public cemetery district shall be governed and managed by a board of trustees, composed of from 3 to 5 persons, as specified, appointed by a board of supervisors. Existing law provides that the trustees hold office for 4 years.

The bill would authorize the board of supervisors to stagger the terms of office of the trustees and, to accomplish this, would permit the appointment of trustees, on or after January 1, 1987, for terms of less than 4 years, subject to a prescribed condition.

Existing law does not authorize regional park and open-space districts to exercise the powers described in specified improvement acts

This bill would provide that these improvement acts apply to regional park and open-space districts for purposes of open space, parkland acquisitions, and development.

Existing law permits the board of directors of a regional park district, regional park and open-space district, or regional open-space district to authorize by ordinance the persons who may draw checks and warrants for the district.

This bill would also authorize the board of such a district to so authorize signatories by resolution.

Existing law requires resource conservation district directors to develop districtwide comprehensive plans conforming to the general plan of cities and counties.

This bill would make a technical nonsubstantive change in that provision of law.

Existing law, with respect to the establishment of the assessed value of property on county assessment rolls, provides that if the county assessment appeals board fails to hear evidence on the application for reduction in the assessment of property within 2 years of the timely filing of the application, the taxpayer's opinion of the market value shall prevail unless the taxpayer and the board agree to an extension of time for the hearing.

This bill would require that the taxpayer's opinion of the value be the value upon

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which taxes are to be levied for the tax year covered by the application and require that that value remain on the assessment roll until the board makes a final determination. This bill would also require that the reduction in assessment reflecting the taxpayer's opinion of value not be made until 2 years after the close of the filing period.

Existing law requires the legislative body of a local agency to consider the general or master plan prior to vacating a street, highway, or public easement within an area in which a general or master plan is adopted.

This bill would make that requirement applicable only with respect to general plans.

Existing law permits any city, county, or city and county to apply to the Department of Finance to estimate its population for purposes of distribution of motor vehicle license fee funds. The department, if requested by the city, county, or city and county, is required to file a certified copy of the estimate with the Department of Motor Vehicles and the Controller. Existing law permits certification once each calendar year.

This bill would permit the application to be made to the population research unit of the department, provide for filing of the certified copy with the Controller, and permit certification once each fiscal year.

Existing law also permits a city to apply to the department to estimate its population for purposes of distribution of cigarette tax proceeds and the certification of the population estimate may be made once each calendar year.

This bill would permit a city to apply to the population research unit of the department, would provide for filing of the certified copy with the Controller, and would permit the certification to be made once each fiscal year.

Existing law provides that the Controller shall allocate proceeds of an additional fee imposed on off-highway motor vehicles in the same manner as the proceeds from motor vehicle license fees.

This bill would make a technical change in that provision.

Existing law permits a city, county, or city and county to apply to the Department of Finance to estimate its population for purposes of distribution of proceeds of the additional fee on off-highway motor vehicles and permits certification of the estimate to be made once each calendar year.

This bill would permit application to the population research unit of the department, would provide for filing of the certified copy with the Controller, and would permit certification to be made once each fiscal year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 983 (SB 2309) Carpenter. Refugees: English as a second language.

Under existing law, the State Department of Social Services is mandated to require English-as-a-second-language programs seeking funding derived from the federal Office of Refugee Resettlement to meet specified conditions as a condition of receiving federal funds allocated by the department.

This bill would specify that those conditions include the requirement that agencies seeking funds allocated by the department for provision of instruction in English as a second language include in their request a provision for classes in English as a second language during nontraditional work hours, as defined, at the same unit cost as the agency's daytime classes or an explanation as to why the classes will not be made available or cannot be provided at the level described in the county plan. The bill would establish priorities in providing those classes.

Ch. 984 (SB 2355) McCorquodale. Political Reform Act of 1974: Preelection statements: campaign statements.

Under the Political Reform Act of 1974, candidates and committees are required to file specified preelection statements, including statements which account for the time period ending 17 days before an election. These statements are required to be delivered in person or by guaranteed overnight mail through the United States Postal Service.

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This bill would revise the requirement to provide that it applies only to those candidates, their controlled committees, and those measures, and committees formed primarily to support or oppose candidates or ballot measures, where the candidates or measures are being voted upon in the election which occurs following the closing date of the last campaign statement for that election.

This bill would also instead provide that delivery be personal or by guaranteed overnight delivery service.

Under the Political Reform Act of 1974, committees, among others, are required to file specified periodic statements and reports.

This bill would provide that any person who becomes a committee by virtue of receiving contributions of \$500 or more in a calendar year, making independent expenditures totaling \$500 or more in a calendar year, or by making contributions totaling \$10,000 or more in a calendar year, and who makes contributions totaling \$5,000 or more during an odd-numbered year, shall file specified campaign statements.

This bill would incorporate changes to Section 84200.7 of the Government Code proposed by AB 3495, to be operative only if both bills are enacted and this bill is enacted last.

Ch. 985 (SB 2206) Watson. Driving offenses. Alcohol problem assessments

(1) Under existing law, a person convicted of driving a motor vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood alcohol concentration, or driving when addicted to any drug is required to be punished by prescribed fines, imprisonment, and sanctions on the person's driving privilege. If granted probation, specified minimum terms and conditions are required, including alcohol and drug education programs, custodial and noncustodial rehabilitation programs, minimum fines and imprisonment, and alternative sanctions on the driving privilege.

This bill would, until January 1, 1990, authorize a county to develop, implement, operate, and administer an alcohol and drug problem assessment program which may include a referral and client tracking component, and would require any person convicted of any of those driving offenses in an administering county to participate in the program. The bill would require the court in which a person is convicted to levy an assessment in an amount of not more than \$50, as specified, on every fine, penalty, or forfeiture imposed and collected in such a county, thereby imposing a state-mandated local program. The bill would provide for the allocation of the assessment.

The bill would require the Office of Traffic Safety to promulgate rules and guidelines to implement the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 986 (SB 2127) Craven. Mobilehome Ombudsman

Under existing law, various statutes regulate different aspects of the problems relating to mobilehomes, manufactured homes, and mobilehome parks.

This bill would direct the Governor to designate a deputy director in the Department of Housing and Community Development as Mobilehome Ombudsman. The bill would express the legislative intent that the ombudsman not result in any additional state costs. The powers and duties of the ombudsman would be specified.

The bill would be repealed on January 1, 1990, unless a later enacted statute which is enacted on or before January 1, 1990, deletes or extends that date.

Ch. 987 (SB 1024) Seymour. Orange County flood control: assessments

(1) Under the Orange County Flood Control Act, the Orange County Flood Control District consists of all the territory within Orange County and is governed by the Board of Supervisors of Orange County.

This bill would authorize the district to levy assessments to pay the costs of district

works and improvements and specified costs incurred in connection with the local share of projects undertaken by the federal government or the state, based upon the benefit which each parcel of real property to be assessed will derive from the improvements to be constructed, maintained, operated, extended, or repaired. The bill would authorize the board of supervisors to establish one or more zones of benefit, and to levy different assessments within the zones.

The bill would authorize the district to sell bonds, to be paid from benefit assessments levied by the district, to finance needed flood control improvements or to finance the local share of the cost of any flood control improvements or projects undertaken by the federal government or the state, or both. The bill would permit assessments based on special benefits to be levied on the basis of proportionate stormwater runoff. The bill would specify special procedures for the authorization of the bonds and related requirements. The bill would require either abandonment of the proceedings or an election to be held within a zone of benefit if written protests are filed by the owners of more than 25% of the area of land in the area of benefit or in any proposed zone of benefit therein. The bill would require annual assessments to be levied upon each parcel to pay the principal of and interest on the bonds, as specified. The bill would prescribe related matters.

The bill would generally authorize the board of supervisors to prescribe the form of bonds by resolution, as well as by ordinance, would require bonds to be issued in registered form, would specify maximum rates of interest, would permit bonds to be sold at 95% of par value, and would make other changes.

The bill would delete specified provisions relating to establishing the maximum rate of tax which may be levied by the district.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by requiring Orange County to collect the assessments and undertake other specified duties.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 988 (SB 949) Presley. Transportation: local transportation fund.

(1) Under existing law, a portion of the ¼% portion of the sales and use tax imposed by counties under the Bradley-Burns Uniform Local Sales and Use Tax Law are allocated to the State Board of Equalization and the Director of Transportation to cover their costs in administering the Mills-Alquist-Deddeh Act.

This bill would add the Controller to the state board and the director as an agency that may receive its costs in administering the act.

(2) Existing law requires the county auditor to keep records and make reports concerning the local transportation fund as the director prescribes.

This bill would, on July 1, 1987, include the Controller, in addition to the director, as a person who may also prescribe those record and report duties.

(3) Under the Mills-Alquist-Deddeh Act, money is required to be allocated for pedestrian and bicycle facilities pursuant to a priority list prepared by the transportation planning agency.

This bill would instead require the money to be allocated pursuant to procedures or criteria established by that agency for the area within its jurisdiction.

Additionally, this bill would allow a specified portion of those funds which may be allocated for pedestrian and bicycle facilities to be used for purposes of bicycle safety education programs.

(4) Under the act, 1% of the money in the local transportation fund for the areas under the jurisdiction of the San Diego Metropolitan Transit Development Board and the North San Diego County Transit Development Board, after allocations for specified purposes, is allocated to the council of governments for specified transportation planning purposes.

This bill would increase the percentage of the allocation for those purposes to up to 2%.

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(5) Under the act, the Department of Transportation is required to adopt rules and regulations regarding implementation of the act.

This bill would, on July 1, 1987, require the Controller to review these rules and regulations regarding auditing and reporting.

(6) Under the act, each transportation planning agency, transit development board, and county transportation commission is required to mandate that an audit be submitted from each claimant to whom the entity allocates funds. A report on the audit is required to be submitted to the responsible agency.

This bill would require the report to be submitted to the Controller and also to each of those entities. Other requirements relating to performance audits would also be revised.

(7) Under the act, an operator that has a private pension fund is eligible for allocations if the operator takes specified actions regarding the pension fund, including formulating and adopting a financial plan to eliminate any deficit in the pension fund accruing in years prior to January 1, 1975.

This bill would eliminate the requirement of a financial plan as a condition to an operator receiving funds under the act.

~~(8) Under the act, a transportation planning agency is required to designate entities other than itself, a county transportation commission, a transit development board, or a transit operator to make a performance audit of its activities and the activities of these agencies.~~

~~This bill would recast these provisions and instead require each of these agencies, except the operator, to designate an independent auditor to conduct a performance audit of its activities.~~

~~(9) *~~ Under the act, specified funds in the Transportation Planning and Development Account in the State Transportation Fund are required to be appropriated to the director for allocation by the director pursuant to a formula for specific local transportation purposes.

This bill would, on July 1, 1987, instead require that these funds be appropriated to the Controller for allocation as specified. The bill would also make conforming changes to related laws.

~~+(9) *~~ Under the act, claims may be filed with the transportation planning agency by cities, counties, and transit districts for specified purposes related to local transportation.

This bill would revise and recast those purposes.

~~+(1) *~~ ~~+(10) *~~ The bill would also delete obsolete provisions relating to transportation projects.

Ch. 989 (SB 868) Bergeson. Credentialing state basic skills proficiency test.

(1) Existing law specifies that, commencing February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, or certificate to, or renew for the first time the emergency credential of, any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as required pursuant to specified provisions of existing law. Certain persons are exempt from this requirement, including persons credentialed in another state who have passed a school district's basic skills proficiency examination which has been developed by the school district offering that person employment. Existing law also requires that the commission shall have reported to the Legislature no later than January 1, 1984, regarding, among other things, the number of teachers receiving emergency credentials without fulfilling the basic skills proficiency requirement.

This bill would provide that the basic skills proficiency examination might also be developed by cooperating school districts, or by the appropriate county office of education, and it changes the date for the report to the Legislature on teachers receiving emergency credentials from January 1, 1984, to January 1, 1987.

This bill also would require each applicant to an approved credential program to take the state basic skills proficiency test in order to provide the applicant and the program with information regarding the applicant's proficiency level. The bill would require that

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the test results be used to ensure that each applicant receives appropriate academic assistance necessary to pass the state basic skills proficiency test.

(2) Existing law requires the Commission on Teacher Credentialing to administer the state basic skills proficiency test in accordance with rules and regulations adopted by the commission, and to charge a fee to cover the costs of the test.

This bill would authorize the commission to enter into agreements with other states to permit the use of the state basic skills proficiency test as a requirement for the issuance of credentials, or for teacher preparation program admission in those other states, as specified.

(3) Existing law does not authorize the Commission on Teacher Credentialing to defer the state basic skills proficiency test requirement in case of illness, a family death, or when another similar and justifiable personal reason prevents a credential applicant from taking the test, or in any case when circumstances entirely beyond the control of the applicant prevent his or her receipt of proof of having passed the test.

This bill would authorize the commission to do so for any person who has not failed that test.

(4) Existing law provides for the issuance of emergency credentials in accordance with regulations adopted by the Commission on Teacher Credentialing.

This bill would provide that, commencing July 1, 1987, any person who does not hold a valid California teaching credential that requires a baccalaureate degree must pass the appropriate subject matter competency examination or examinations before being initially issued an emergency multiple or single subject teaching credential, except a 30-day emergency substitute teaching credential. This requirement could be temporarily suspended by the commission upon certification by the employing agency of specified factors, including the existence of a reasonably unforeseeable emergency with regard to the agency's ability to employ suitably credentialed personnel. This bill would require the commission to waive these requirements for applicants for emergency single subject teaching credentials or emergency multiple subject teaching credentials who have completed prescribed coursework requirements.

(5) Existing law provides that, commencing February 1, 1983, no school district governing board shall hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as prescribed under current law, or unless that person is exempted from the basic skills proficiency test requirement.

Existing law requires each applicant for a credential issued by the Commission on Teacher Credentialing, unless exempted, to take the state basic skills proficiency test for diagnostic purposes.

This bill would delete this requirement.

Ch 990 (SB 2097) Presley. Domestic violence centers: administration.

Existing law requires the State Director of Health Services to contract with public or private nonprofit agencies to establish project centers for victims of domestic violence and authorizes any county to establish a domestic violence program.

This bill would delete the state-administered program and would make conforming changes.

Existing law authorizes the collection of a fee in addition to the basic fee for the issuance of a marriage license and for the filing of a certificate of marriage by those persons who get married without a license, in the amount of \$19 for funding of domestic violence centers, as specified.

This bill would require the deposit of those fees into a county domestic violence programs special fund, which may be carried over until the county establishes such a program.

The bill would also repeal obsolete provisions.

Ch. 991 (SB 2066) Morgan Postsecondary education. study of time required for completion of degree

Existing law does not require the submission of a study of the amount of time required to attain an undergraduate degree by students who received an undergraduate degree

between 1975 and 1985.

This bill would require the submission of such a study by the Trustees of the California State University, and by the Regents of the University of California, if the regents elect to conduct the study, to the California Postsecondary Education Commission by December 1, 1986. The bill would require the commission to review the study and make recommendations to the Governor and the education policy committees of the Legislature by March 15, 1987.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 992 (SB 1661) Presley. Evidence: criminal actions.

(1) Existing law provides, with certain exceptions, that the finding of sufficient cause to bind a defendant over for trial at a preliminary hearing may be based upon hearsay evidence in the form of written statements of certain witnesses in lieu of testimony, according to specified procedures.

This bill would provide that the best evidence rule does not apply at a preliminary examination.

(2) Existing law, which will remain in effect until January 1, 1987, authorizes the delivery of a subpoena by mail or messenger, service of which is effected when the witness acknowledges delivery, as specified.

This bill would repeal the repealer, extending this provision indefinitely

Ch. 993 (SB 2135) Alquist. State Energy Resources Conservation and Development Commission.

The Warren-Alquist State Energy Resources Conservation and Development Commission authorizes the State Energy Resources Conservation and Development Commission, which consists of 5 members, to appoint a committee of not less than 2 members to carry on commission investigations, inquiries, or hearings.

This bill would require at least one member of a committee to attend all of the public hearings or proceedings in specified cases, unless all parties present at the hearing or proceeding agree that the committee may authorize a hearing officer to continue in the temporary absence of a commission member.

Ch 994 (SB 1695) Bergeson Department of Commerce

Existing law changed the name of the Department of Economic and Business Development to the Department of Commerce. Also, the names of certain offices within that department were changed, and the California Film Office was created in the Department of Commerce.

This bill would correct superseded references to the Department of Economic and Business Development and to the former names of offices within that department.

The bill would also make other technical changes.

Existing law requires the Director of Commerce to report annually to the Governor, the Legislature, and the Secretary of the Business, Transportation and Housing Agency regarding the efforts and activities of the Department of Commerce. The Director of Commerce is also required to report to the Legislature on April 1, of each year, on an industrial marketing program required to be administered by the Department of Commerce

Existing law also requires the Office of Tourism in the Department of Commerce to prepare and submit an annual report to the Governor, the Legislature, and the California Tourism Commission by March 15, 1985, and December 31 of each year thereafter.

This bill would require that all 3 reports referred to above be made, commencing in 1987, on or before March 1 of each year. It would also require the report of the Director of Commerce on the industrial marketing program also to be made to the Governor.

Existing law provides for an appropriation of \$785,000 from the General Fund to the Director of Commerce for allocation to a nonprofit corporation for the purpose of implementing Phase II planning for the Hollywood Exposition and Museum.

This bill would provide that this allocation to a nonprofit corporation be in the form of a grant.

The bill would declare that it is to take effect immediately as an urgency statute.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 995 (SB 2389) Doolittle. Contractors. qualifications.

Existing provisions of the Contractors' State License Law provides that it is a misdemeanor for any person to engage in the business or act in the capacity of a contractor, as defined, within the state without having a license therefor, unless that person is particularly exempted from this requirement. Existing law authorizes the Registrar of Contractors to issue citations to persons acting in the capacity of or engaging in the business of a contractor without a license or exemption, and provides that each citation may contain an order of abatement and an assessment of a civil penalty in an amount not to exceed \$3,000.

This bill would express statements of legislative intent regarding the establishment of a one-time only amnesty period between January 1, 1987, and January 1, 1988, during which time any person contracting without a license could apply for a license, as specified, unless an order of abatement had been issued to that person.

This bill would revise existing law relating to the authority of the registrar to issue citations to unlicensed or unexempted persons by requiring the registrar to issue these citations to those persons

This bill would provide that any work required to be performed by a licensed contractor which was performed [prior to January 1, 1987,]* by an applicant who was neither licensed nor exempted from licensure may be used until January 1, 1988, to meet the experience or knowledge requirements for contractors under existing law.

This bill would add provisions to become operative on January 1, 1988, which would increase the civil penalties to be imposed by the registrar upon the issuance of citations to an amount not less than \$1,500 nor more than \$4,500

This bill would require the registrar to review experience gained by applicants from other states to determine if that experience was gained in accordance with the licensing laws of that state.

This bill would appropriate \$724,000 from the Contractors' License Fund to the Contractors' State License Board for the 1986-87 fiscal year for purposes of administering the contractors' license amnesty program.

Ch 996 (SB 1839) Campbell Public works contracts.

Under existing law, a state or local government entity is required to pay interest in the amount of 7% per annum on any valid claim submitted by a public works contractor if the claim is not paid within 90 days after the proper submission of the claim

This bill would delete the state from this requirement. It would provide with respect to a local government entity that interest shall be paid commencing on the date upon which the claim was submitted if payment has not been made by the 60th day after the proper submission of the claim.

Since the bill imposes on local agencies more stringent time limits on the processing of public works contract claims, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 997 (SB 202) Bergeson. Highways: emergency motorist aid.

Under existing law, a service authority for freeway emergencies may be established in counties by action of the county board of supervisors and a majority of cities within the county. An authority, so established, may impose a fee, not to exceed \$1 a year, on vehicles registered within the county, to be used for the implementation, maintenance, and operation of an emergency motorist aid system for emergency call boxes. Under existing law, an authority may construct and maintain the facilities of an emergency motorist aid system or may contract with a private person or entity to do so. If requested by an authority, the Department of Transportation may contract with the authority for the installation, operation, and maintenance of emergency call boxes. Under existing law, an authority may issue revenue bonds under the Revenue Bond Law of 1941 for purposes of an emergency motorist aid system

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This bill would do each of the following:

(a) Specify that the establishment of a service authority for freeway emergencies requires the approval of the city councils of a majority of the cities having a majority of the population of the cities in the county.

(b) Allow a county transportation commission to be designated as a service authority for freeway emergencies.

(c) Allow the surcharge on vehicle registration fees to be used for the lease or lease-purchase of an emergency motorist aid system and to be pledged as security for payment of the lease payments.

(d) Authorize a public entity other than a service authority for freeway emergencies to construct and maintain an emergency motorist aid system, and allow that public entity or the authority to contract with a public entity for the construction, maintenance, lease, or lease-purchase of a system.

(e) Authorize the legislative body of any public entity to contribute toward the costs and expenses of an emergency motorist aid system and for any related lease or lease-purchase.

(f) Authorize an authority, as nearly as practicable, to issue revenue bonds pursuant to existing provisions for sewer revenue bonds, and to use the revenue from revenue bonds for purposes of implementation and maintenance of an emergency motorist aid system for emergency call boxes. The revenue bonds could only be issued for a 2-year period following the imposition of the \$1 per vehicle fee.

(g) Require that the surcharge on vehicle registration fees be used either to pay the principal of, and interest on, any revenue bonds issued for purposes of an emergency motorist aid system or to make payments under a lease or lease-purchase agreement.

(h) Require that facilities and equipment acquired with the proceeds of revenue bonds have a useful life at least equal to the term of the bonds.

(i) Incorporate additional changes made by Chapter 124 of the Statutes of 1986 (SB 1597) in Section 2554 of the Streets and Highways Code.

(j) Incorporate changes in Section 2554 of the Streets and Highways Code proposed by AB 3660, to be effective if both bills are enacted and this bill is chaptered after AB 3660.

Ch. 998 (SB 1787) Davis Concealable weapons

Existing law provides that any person who carries concealed within any vehicle which is under the person's control or direction or otherwise carries concealed upon his or her person any concealable firearm without having a license to carry that firearm is guilty of a misdemeanor.

This bill would exempt from the application of these prohibitions, the transporting or carrying of a concealable firearm as follows: (1) where the firearm is within a motor vehicle and it is locked in the vehicle's trunk or in a locked container, as defined, other than in the utility or glove compartment or (2) where the firearm is carried by the person directly to or from any vehicle for any lawful purpose provided that, while carrying the firearm, it is contained within a locked container, as defined.

Ch. 999 (SB 1518) Royce Public safety notification

Existing law provides that health officers shall take necessary measures to prevent the spread of a contagious, infectious, or communicable disease. Existing law authorizes the State Department of Health Services to establish a list of reportable diseases and requires health facilities to properly report the diseases listed as reportable to the health officer. No existing law requires health officers to notify emergency medical technicians of the fact that they have provided emergency medical or rescue services to persons afflicted with a disease or condition listed as reportable.

This bill would require the county health officer to notify the emergency medical technician that he or she has provided emergency medical or rescue services and has been exposed to a person afflicted with a disease listed as reportable which can, as determined by the county health officer, be transmitted through oral contact or secretions of the body, including blood, provided specified conditions are satisfied. The bill would further require the health facility or county health director to notify the funeral

director, charged with removing the body of a person from the health facility, of the reportable disease or condition prior to the release of the body to the funeral director. This requirement would create a duty on local officials and governmental entities thus imposing a state-mandated local program.

Under this bill, a health officer would have no authority to disclose the name or other identifying information of the person afflicted with a disease or condition listed as reportable to the emergency medical technician. The terms "emergency medical technician," "reportable disease or condition," "a disease listed as reportable," "exposed," and "health facility" would be defined for the purposes of the bill.

This bill would expressly limit the authority of the health facility and the emergency medical technician in disclosing confidential medical information.

To the extent that this bill would require the health officer to notify emergency medical technicians, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1000 (SB 1812) McCorquodale. Homestead exemption.

Under existing law, a homestead or a specified portion of the value thereof is exempt from execution to satisfy a judgment debt. Under existing law, the homestead exemption is \$55,000 if the judgment debtor or the resident spouse of the judgment debtor is over 65 years of age or disabled, as prescribed.

This bill would increase the above homestead exemption from \$55,000 to \$60,000.

Ch. 1001 (AB 4037) Filante. Homestead exemption

Under existing law, a homestead or a specified portion of the value thereof is exempt from execution to satisfy a judgment debt. Under existing law, the homestead exemption is \$30,000 except that specified families are entitled to a \$45,000 homestead exemption and, if the judgment debtor or the resident spouse of the judgment debtor is over 65 years of age or disabled, as prescribed, the homestead exemption is \$55,000.

This bill would revise the amount of the homestead exemption that applies if the judgment debtor or resident spouse is over 65 years of age or disabled by changing it to \$60,000.

Ch. 1002 (AB 3628) Bradley. Housing: migrant farmworkers: labor camps.

(1) Existing law requires the Department of Housing and Community Development to administer various housing programs.

This bill would require the department to conduct 4 public hearings during calendar year 1987 to determine the need for housing for migrant farmworkers. The bill would require the department to make a specified report to the Legislature on or before February 15, 1988.

(2) Under existing law, labor camps are subject to the Employee Housing Law which requires, among other things, that labor camps comply with specified building standards.

This bill would require the department, or any city, county, or city and county, which has assumed responsibility for the enforcement of the Employee Housing Law, to provide notice to the residents when the condition rendering the accommodations in a labor camp substandard is the overcrowding of the accommodations, and to give the residents a reasonable opportunity to correct the violation prior to the commencement of an action or proceeding, as specified. This requirement would impose a state-mandated local program with respect to a city, county, or city and county, that has assumed responsibility for enforcement of the Employee Housing Law.

The bill would provide that if the enforcement agency permits the owner or operator of the labor camp to appeal the initial notice of a violation or order to abate, the residents would be permitted to make a similar appeal. If the only means of abatement is vacation of the accommodations, the enforcement agency would be required to consider the availability of alternative housing for the residents and, if alternative housing is not available, to grant the residents a reasonable period of time, as determined by the enforcement agency, to find alternative housing.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1003 (AB 4107) Mountjoy. Highways: encroachment permits.

Existing law authorizes the Department of Transportation to grant permits for encroachment upon state highway property.

This bill would require the department to either approve or deny an application for an encroachment permit within 60 days of receiving a completed application, as specified, and would provide that the department's failure to notify an applicant within 60 days that the application for an encroachment permit is denied is deemed to constitute approval of the permit.

The bill would require the department, if it denies an application for an encroachment permit, to furnish to the applicant a detailed explanation of its reason for the denial.

Ch. 1004 (AB 3222) Floyd. Electrical generators.

Existing law does not require a portable or permanent electrical generator that is capable of being connected either permanently or temporarily to an electrical system to be connected in a specified manner.

This bill would require any portable electrical generator that is capable of being connected temporarily to a customer's electrical system, which is normally supplied by an electrical corporation or state or local public agency, to be connected only after opening the customer's main switch so as to isolate the customer's electrical system from that of the electrical corporation or state or local agency.

It would require any electrical generator, with specified exceptions, that is capable of being permanently connected to a customer's electrical system to be connected only by means of a double throw switch so as to isolate the customer's electrical system from that of the electrical corporation or state or local agency.

The bill would require every manufacturer of a portable or permanent electrical generator that is capable of being connected either permanently or temporarily to a commercial, industrial, or residential structure's electrical system, to include a warning statement in the generator's instruction manual and a warning label on the generator which states the connection requirement and explains the electrical hazards of backfeed into a utility's distribution system. It would also require the warning information to be included in all advertisements offering portable electric generators.

The bill would also require every public utility or utility district to notify all electrical service customers of the electrical backfeed hazards of portable electric generators and require any owner, renter, or lessee who possesses an electric generator to notify the public utility or utility district. These requirements would impose a state-mandated local program on local agencies.

The bill would provide that a violation of its provisions by persons, as defined, is a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other

procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 1005 (AB 2663) Floyd. Hospital personnel: workweeks.

Existing law authorizes the Industrial Welfare Commission to adopt orders governing the wages, hours, or conditions of labor in the various occupations, trades, and industries in which employees are employed in this state.

This bill would require an employer of licensed hospital personnel who institutes, pursuant to an applicable order of the commission, a regularly scheduled workweek that includes no more than 3 working days of no more than 12 hours each within any workweek, to make a reasonable effort to find an alternative work assignment for any employee who participated in the vote which authorized the schedule and is unable to work 12-hour workday schedules. The employer would not be required to offer an alternative work assignment to an employee if an alternative work assignment is not available or if the employee was hired after the adoption of the 12-hour, 3-day workweek schedule.

Ch. 1006 (AB 62) Elder. State Teachers' Retirement System

The existing State Teachers' Retirement Law provides for the payment of various benefits to retirants, disabilitants, and beneficiaries

This bill would authorize, where overpayments are due to certain errors, reduction of corrected monthly allowances, require STRS to make specified annual reports to the Teachers' Retirement Board regarding underpayments and overpayments, and require STRS to make monthly reports to the board concerning outstanding death benefits which have not been paid within 6 months of the notification of the member's death.

Ch 1007 (AB 3251) Bane Blood donations. hemapheresis.

(1) Under existing law, it is a misdemeanor to use in any transfusion of blood, as defined, any blood which was obtained from a paid donor, as defined, except in certain instances, as determined by the physician performing the transfusion that other blood of a type compatible with the blood type of the patient cannot reasonably be obtained for the transfusion. Existing law requires every person engaged in the production of blood to label each container of blood indicating whether the donor is a "volunteer donor" or "paid donor," as defined.

This bill would exempt a container of blood from a hemapheresis donor from certain of the labeling requirements described above, however, it would expressly require the container of blood to meet certain federal labeling requirements. A violation of this requirement would be a misdemeanor. The creation of a new crime would impose a state-mandated local program. It would specify certain requirements for hemapheresis donors. To the extent that these requirements would apply to a local publicly operated facility, the bill would impose a state-mandated local program.

This bill would also prohibit any person from engaging in cytapheresis, defined as the separation and collection of blood cells by hemapheresis, unless the cytapheresis products are collected, prepared, and stored in accordance with specified standards of the American Association of Blood Banks, or with standards adopted by the State Department of Health Services in addition to, or in lieu of those national standards. A violation of this prohibition would be a misdemeanor. The creation of a new crime would impose a state-mandated local program.

This bill would make a change to the misdemeanor provision pertaining to transfusions of blood and paid donors to exempt from its sanctions blood platelets secured from donors through the hemapheresis process after March 15, 1987, and on or before December 31, 1989, if certain requirements are satisfied.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and

other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that, except for any misdemeanors, reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1008 (AB 3555) Farr. Studies: federal expenditures: toxic gases.

(1) Existing law requires the Director of Employment Development to conduct a study to determine the feasibility of establishing a statewide network to monitor and disseminate information on significant federal contract actions affecting employment and job training needs in this state, and to report to the Legislature, the Governor, and a specified working group regarding the study by January 1, 1987.

This bill would instead require the director to report regarding the study by June 1, 1987, rather than January 1, 1987.

(2) Chapter 1146 of the Statutes of 1985 appropriated funds to the State Air Resources Board for a study by the Santa Clara Fire Chiefs Association, to be completed by January 1, 1987, concerning the use, management, and accidental release of toxic gases.

This bill would extend the date for completion of that study to July 1, 1987.

Ch. 1009 (AB 2710) Roos. Off-highway vehicles: registration: funds.

(1) Existing law requires, with specified exceptions, all motor vehicles to be registered. With specified exceptions, every off-highway motor vehicle, as defined, which is not required to be registered because it is to be operated exclusively off the highways on lands open to the public is required to be issued and to display an identification device issued by the Department of Motor Vehicles.

This bill would specifically make off-highway vehicle identification requirements also applicable to off-highway vehicles on any lands acquired, developed, operated, or maintained, in whole or in part, with money from the Off-Highway Vehicle Fund.

(2) Existing law prohibits any person from operating, transporting, or leaving standing any off-highway motor vehicle which is subject to identification unless the vehicle is so identified. Under existing law, a violation of the prohibition is an infraction, punishable by a fine of not more than \$100 for a 1st offense and not more than \$200 for a 2nd offense occurring within one year.

This bill would make the violation of that prohibition punishable by a fine of not less than \$25 for a 1st offense and not less than \$50 for every subsequent offense.

(3) Under existing law, there is an Off-Highway Vehicle Fund, to which there is transferred from the Motor Vehicle Fuel Account in the Transportation Tax Fund money attributable to taxes imposed upon distributions of motor vehicle fuel used in (a) the off-highway operation of vehicles subject to identification as off-highway vehicles, and (b) motor vehicles subject to registration, while engaged in off-highway recreational use, as estimated by the Department of Transportation with the cooperation of the Department of Parks and Recreation.

This bill would establish the Conservation and Enforcement Services Account as a subaccount in the Motor Vehicle Fuel Account and provide for the transfer to that subaccount from money deposited in the Motor Vehicle Fuel Account the amount estimated by the Department of Transportation, in cooperation with the Department of Parks and Recreation, to be attributable to taxes imposed upon distribution of motor vehicle fuels used in the off-highway operation of vehicles required to be registered as off-highway vehicles, but not so registered. The funds in the subaccount, when appropriated by the Legislature, would be allocated to the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation for specified conservation and enforcement activities on lands in the state vehicular recreation area and trail system.

Ch. 1010 (AB 3689) Bane. Lodgers.

(1) Under existing decisional law, lodgers, unlike tenants, have no interest in the real property where they reside, being mere licensees. However, existing statutes afford lodgers, other than lodgers in certain transient and hotel or motel occupancies, defined

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notice rights prior to eviction, and create a cause of action for forcible entry in favor of such a lodger who is forcibly evicted other than by legal process.

This bill would provide that a lodger, as defined, in an owner-occupied dwelling unit is guilty of an infraction if the lodger remains on the premises of the owner-occupied dwelling unit after termination of the hiring, as specified. The bill would permit a peace officer assisting the owner in making a citizen's arrest for this infraction to remove the person from the premises. The bill would make provisions applicable to disposal of a tenant's property left on the premises subsequent to termination of a tenancy applicable to disposal of the property of a lodger removed from the premises. The bill would not affect any right these parties might have to damages under the contract of the parties. The bill would not apply to, or affect the rights of, persons residing as lodgers in a dwelling unit occupied by more than one lodger.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1011 (AB 1001) McAlister Industrial loan law

Existing law defines an industrial loan company or thrift and loan company as any corporation which, in the regular course of business, loans money and issues its own choses in action.

This bill would specify that an insured company is a thrift and loan company, the investment certificates of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation under applicable federal law

Under existing law, an industrial loan company which issues thrift certificates may not, in its advertisements, refer to its affiliation with, or ownership by, any other entity, unless there is also a disclosure as to whether the other entity guarantees the thrift certificates issued by the industrial loan company.

This bill would create an exemption for an insured company so long as the other entity does not guarantee the thrift certificates issued by the insured company and the advertisement used does not state or imply that the assets or reserves of the other entity may be used to guarantee the thrift certificates of the insured company

Existing law requires the Commissioner of Corporations to give written notice to each member of the Guaranty Corporation of the filing of an application for authorization to establish an industrial loan company that intends to sell and issue its investment certificates.

This bill would instead require that this notice be given to all industrial loan companies or thrift and loan companies.

Existing law requires that every investment certificate issued by an industrial loan company bear on its face the endorsement "This is not a certificate of deposit."

This bill would provide an exemption from this requirement for insured companies, as defined.

Under existing law, the Commissioner of Corporations is required to furnish the Guaranty Corporation a list of all industrial loan companies that have outstanding thrift obligations

This bill would make the requirement applicable only to industrial loan companies that are not insured companies.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1012 (AB 3900) Klehs Conservatorship: sterilization.

Existing statutory law provides that no ward or conservatee may be sterilized pursuant to the laws governing guardianship and conservatorship. The California Supreme Court has recently held this provision to be unconstitutional in that it violates constitutional guarantees of privacy and liberty.

This bill would provide a procedure whereby the conservator of an adult with developmental disabilities, or a person authorized to petition for such a conservatorship, may

file a petition for the appointment of a limited conservator authorized to consent to the sterilization of that adult. The bill would prohibit the sterilization, pursuant to its procedures, of a person who has the ability to consent to sterilization. As the bill would provide that expenses of such a procedure would, in certain cases, be borne by the county, and would require court clerks to perform specified new duties, it would impose state-mandated local programs. It also would impose a state-mandated local program by establishing a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill, with specified exceptions, shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1013 (AB 2928) Connelly. Hazardous waste injection wells

(1) Under existing law, the Toxic Injection Well Control Act of 1985 regulates the discharge of hazardous waste into injection wells by, among other things, prohibiting the State Department of Health Services from issuing a hazardous waste facilities permit for an injection well or for the discharge of hazardous waste into the well unless a hydrogeological assessment report for the well is approved. Existing law requires that, when the department makes a specified determination pursuant to a public hearing concerning allowing the use of an injection well for which a discharge prohibition has been ordered, the department is required to provide notice, by mail, to all persons on a mailing list compiled by the California regional water quality control board. The department is authorized to require oil or gas wells which are contaminated or could cause contamination, as specified, to be closed pursuant to regulations adopted by the Division of Oil and Gas.

This bill would instead require the department to compile the list, using the regional board's appropriate mailing lists. The bill would require a closure of an oil or gas well to be done in accordance with standards at least as stringent as the regulations of the division.

(2) Existing law requires certain information to be included in the hydrogeological assessment report concerning oil and gas wells, water flow, and water sampling methods.

This bill would revise the information required to be included, thereby imposing a state-mandated local program by creating a new crime.

(3) The regional board is required to request a report of waste discharge for each injection well which has not been issued a waste discharge requirement as of July 1, 1986, and to issue waste discharge requirements for these wells.

This bill would delete the requirement that the State Water Resources Control Board or a regional board request a report of waste discharge and issue waste discharge requirements for injection wells which have not been issued waste discharge requirements and would instead require any person operating an injection well to file a waste discharge report. The bill would require the Attorney General, at the request of a regional board, to seek specified injunctions or a temporary restraining order to prohibit any person from constructing an injection well which would violate the waste discharge report requirements.

(4) Existing law authorizes the state board or a regional board to require any person discharging or proposing to discharge wastes or fluid into an injection well to provide specified information, including any information which may be reasonably required to determine whether the injection well threatens to pollute the waters of the state.

This bill would instead authorize that information to be provided for the purpose of determining whether the injection well could affect the quality of these waters.

(5) Existing law exempts discharges of waste or fluid to an injection well from the prohibition against specifying the design, location, or type of construction in waste discharge requirements by the state board or a regional board.

This bill would exclude from this exemption, and thus include within the prohibition, a well regulated by the Division of Oil and Gas in the Department of Conservation which complies with specified statutes and federal regulations.

(6) The bill would make conforming changes.

(7) The bill would also make a statement of legislative intent.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(9) The bill would declare that it is to take effect immediately as an urgency measure

Ch. 1014 (AB 1994) McAlister. Employment

Existing law provides that the amount of unemployment compensation benefits payable to an individual for any week in which the individual is receiving retirement benefits shall be reduced by an amount equal to the amount of the retirement benefits attributable to that week, subject to specified conditions and specified exceptions. The reduction in unemployment compensation benefits does not apply to that portion of any retirement benefits which is attributable to contributions made by the individual for the retirement benefits.

This bill would instead provide that, for new claims filed on or after January 1, 1987, the reduction in unemployment compensation benefits does not apply to any retirement benefits if the individual has made any contribution to the retirement benefits

Existing law requires the Employment Development Department to issue regulations relating to the withholding of state income tax from the taxable part of certain pensions, annuities, and other deferred income.

Existing law also provides that those regulations shall provide for delay, but not beyond January 1, 1987, of the application of the withholding with respect to any payer or class of payers until the payers are able to comply without undue hardship

This bill would instead provide that those regulations shall provide for delay, but not beyond July 1, 1987, rather than January 1, 1987, of the application of the withholding with respect to any payer or class of payers until the payers are able to comply without undue hardship

The bill would impose a state-mandated local program by requiring local public agencies to provide unemployment compensation benefits in situations where they would have been permitted to reduce the benefits by the amount of retirement benefits which are not attributable to contributions made by the individual under existing law

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1015 (AB 1505) Grisham. Private security services

Existing law defines, for purposes of regulation under the Private Investigator Act, a private investigator, a private patrol operator or operator of a private patrol service, an armored contract carrier, an armored vehicle guard, and a protection dog operator.

This bill would additionally define a security guard or security officer, and a street patrolman; however, these persons would not otherwise be regulated under the act.

Ch. 1016 (AB 4055) Sebastiani. Community care facilities

(1) Pursuant to existing law, the State Department of Social Services has authority to license community care facilities, as specified.

Existing law prohibits operation of an unlicensed community care facility, as defined

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Existing law requires the department to refer residents of unlicensed community care facilities to appropriate placement or protective service agencies for placement in other facilities when there is an immediate threat to clients' health and safety or when the facility will not cooperate with the licensing agency, as specified

This bill would require referral to the appropriate local or state ombudsman or appropriate placement or protective service agency and would delete the requirement that the residents be referred for placement in other facilities.

(2) Existing law provides that no person, firm, partnership, association, corporation, or state or local public agency shall operate, establish, manage, conduct, or maintain a community care facility or provide specialized services within a community care facility or child day care facility without first obtaining and maintaining a valid license or special permit.

This bill would instead prohibit those activities without a current valid license or special permit.

(3) Existing law provides that the department shall adjust license fees by facility and capacity, that the amount of the fee shall be based upon a portion of the application and renewal processing costs and that the fee shall not exceed a specified amount.

This bill would, instead, assess fees at specified amounts, and would specify the purpose of the fees. This would result in the imposition of a state-mandated local program when the amount of the fee for a publicly owned community care facility is increased.

(4) Existing law requires the department to conduct an inspection of a facility within 90 days after the issuance of a license and requires the department, after that inspection, to inspect the facility for compliance with rules and regulations.

This bill would exempt foster family homes from the requirement of inspection within 90 days. The bill would permit rather than require the department to inspect the facility for compliance.

(5) Existing law permits any person to request an inspection of a community care facility by a written and signed notice to the department of an alleged violation of applicable requirements.

This bill would instead permit a written or oral complaint.

(6) Existing law requires the department, unless it determines the complaint is willfully intended to harass a licensee or is without any reasonable basis, to make an onsite inspection of a community care facility or child day care facility within 10 days of receipt of the complaint.

This bill would delete that requirement where a visit would adversely affect the licensing investigation or the investigation of other agencies, including, but not limited to, law enforcement agencies.

(7) Under existing law, the department may suspend or revoke a facility license for conduct in the operation or maintenance, or both the operation and maintenance, of a residential facility for the elderly which is inimical to the health, morals, welfare, or safety of either the resident or person receiving services from the facility or the people of this state.

This bill would delete the requirement that the conduct be in the operation or maintenance, or both the operation and maintenance, of the facility.

(8) This bill would incorporate additional changes in Section 1523 of the Health and Safety Code, proposed by SB 2531, to be operative only if SB 2531 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last. These changes would be operative on the operative date of this bill.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

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Ch. 1017 (AB 3327) Connelly. Guardianships.

Existing law relating to judicial proceedings for the appointment of guardians authorizes the court to designate a court investigator, probation officer, or domestic relations investigator in the county in which the petition for appointment of a guardian is pending to make an investigation of each case.

This bill would repeal these provisions of existing law and would, instead, impose a state-mandated local program by requiring a court investigator, probation officer, or domestic relations investigator to make an investigation and to file with the court a report and recommendation concerning each proposed guardianship of the person or guardianship of the estate, unless these requirements are waived by the court. This bill would require these investigations to be made by a probate court investigator where the proposed guardian is a relative, and would require the report to be made by the county agency designated to investigate potential dependency where the proposed guardian is a nonrelative. This bill would provide that these provisions do not apply to guardianships resulting from a permanency plan for a dependent child under specified provisions of existing law.

This bill would require referral of the case to the county agency designated to investigate potential dependencies if the investigation finds that any party to the proposed guardianship alleges that the minor's parent is unfit, as defined, thus imposing a state-mandated local program. This bill would require the reports required by this bill to be confidential and would provide that they may only be made available to persons who have been served in the proceedings or their attorneys. This bill would impose a state-mandated local program by requiring the county clerk to make provisions for limiting access to the reports to persons entitled to their receipt.

This bill requires the Controller to promptly determine following the close of each fiscal year the statewide average cost per investigation or review by the court investigator, probation officer, or domestic relations investigator incurred by each county pursuant to this bill. This bill, with specified exceptions, would require each county to annually assess (1) the parent, parents, or other person charged with the support and maintenance of the proposed ward, and (2) the guardian, the proposed guardian, or the estate of the proposed ward, for county expenses for any investigation or review conducted by the court investigator, probation officer, or domestic relations officer pursuant to this bill, at a rate to be determined by the Controller. This bill would require these assessments to be used to offset the state-mandated local costs incurred for these investigations during each fiscal year, and would authorize counties to waive any or all of these assessments against the guardianship on the basis of hardship. This bill would provide that these provisions do not apply to guardianships resulting from a permanency plan for a dependent child under specified provisions of existing law.

This bill would require the petitioner in each case involving a petition for guardianship of the person to mail a notice of the hearing for the appointment of a guardian and a copy of the petition in the proceedings to the Director of Social Services at the director's Sacramento address at least 15 days prior to the hearing. This bill would impose a state-mandated local program by requiring the local social services agency providing child protection services to screen the name of the guardian for prior referrals of neglect or abuse of minors, and to forward results of the screening to the court having jurisdiction over the case. This bill would provide that these provisions do not apply to guardianships resulting from a permanency plan for a dependent child under specified provisions of existing law.

Existing law relating to nonrelative guardianships provides that these provisions do not apply, among other cases, to cases where the proposed guardian is one nominated as a guardian of the proposed ward under specified provisions of current law.

This bill would delete this provision. This bill would also provide that these provisions do not apply to guardianships resulting from a permanency plan for a dependent child under specified provisions of existing law.

Existing law provides for the termination of a guardianship of the person when the ward marries.

This bill would provide for the termination of a guardianship of the person upon the

adoption or marriage of the ward.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 1018 (AB 4022) N. Waters Public agencies.

(1) Under existing law, all revenues payable to the state from satellite wagering facilities located at fairs are deposited in a separate account in the Fair and Exposition Fund and are continuously appropriated to the Department of Food and Agriculture for allocation by the Director of Food and Agriculture, in his or her discretion, for specified purposes, including health and safety repair projects at fairs and for support purposes of fairs, generally.

This bill would define "health and safety repair projects at fairs" to be fire and life safety improvement projects, California Administrative Code compliance projects, and long-term deferred maintenance projects at fairs

The bill would prohibit an allocation of these revenues for general support until the fire and life safety improvement projects, Administrative Code compliance projects, and deferred maintenance projects have been funded.

(2) Existing law does not establish by statute a California Fairs Insurance Fund to provide insurance coverage to fairs in this state. The Department of General Services has administratively established an account for that purpose.

This bill would create the California Fairs Insurance Fund in the State Treasury. The moneys in the fund would be continuously appropriated to the department, thus making an appropriation. The California Exposition and State Fair, district agricultural associations, county fairs, and citrus fruit fairs would be authorized to participate in the program established by the bill. The department would be required to administer the program so as to continue the existing program in order to provide pooled insurance coverage to participating parties

The bill would also authorize state agencies, which are authorized to procure insurance, to operate and administer a self-insurance program and to contract with the department for that purpose.

Ch. 1019 (AB 4350) Cortese Government local.

Under existing law, employees of various public agencies may be appointed as notaries public

This bill would include city employees among those eligible for appointment

Existing law provides that all meetings of the board of supervisors are public.

This bill would provide that the meetings are public unless otherwise provided by law.

Existing law prescribes an alternative procedure for providing governmental services in unincorporated areas of counties.

This bill would revise obsolete references in those provisions.

Existing law permits the board of supervisors fees to establish county service and zones with tax rates varying according to benefits derived in the zone.

This bill would permit service charges and connection charges to vary by zones as well.

Existing law provides that the county board of supervisors may construct, build, repair, or refurbish library buildings only from taxes levied upon property which is a part of the county free library system.

This bill would delete that provision.

Existing law with respect to counties under 200,000 in population requires the county purchasing agent to engage independent contractors for required county services under \$10,000. In larger counties the board of supervisors may direct by ordinance the purchas-

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ing agent to so engage independent contractors

This bill would provide in both cases that the board may authorize the purchasing agent to so engage independent contractors.

Existing law permits the board of supervisors to appoint a county board of forestry consisting of 5 persons, one from each supervisorial district. In any county having a planning commission the forestry board is required to consist of the 9 members of the commission.

This bill would, instead, provide that the supervisors may appoint the county board of forestry to consist of no less than 3 persons and that in the counties having a planning commission it constitutes the forestry board.

Existing law provides that a resolution of a local agency legislative body declaring its intent to elect a public building shall be referred to the city or county planning commission for a report and recommendation after a public hearing.

This bill would revise an obsolete reference in that provision.

Existing law provides that when a local agency charges fees for filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings with respect to governmental organization or reorganization of acts, the fees shall not exceed the estimated reasonable cost of providing the service.

This bill would make technical changes concerning cross-references in those provisions.

Existing law provides that the Cortese-Knox Local Government Reorganization Act of 1985 does not apply to any proceeding for a change of organization or reorganization which is pending on January 1, 1986.

This bill would provide that the act does not apply to any proceeding for a change of organization or reorganization for which the application has been accepted for filing by the executive officer of the principal county prior to January 1, 1986.

Existing law requires that, except for a proposal for the merger of an existing subsidiary district, any proposal for a change of organizations shall contain a request for either a merger or the establishment of a subsidiary district.

This bill would, instead, impose this requirement with respect to any proposal for a merger or establishment of a subsidiary district.

Existing law relating to local government reorganization, among other things, requires that specified notice requirements of the Elections Code shall apply to petitions to annex territory to a city, the consolidation of cities, or the dissolution of a city.

This bill would delete that provision and would also provide that the failure of any person or entity to receive notice shall not constitute grounds for invalidating any actions taken for which notice was given.

Existing law provides that before circulating any petition for change of organization for a city the proponents shall publish a specified notice of intention setting forth the reasons for the proposal.

This bill would limit this requirement to a city with a population of more than 100,000 which is located in a county with a population of over 4,000,000.

Existing law provides that before circulating any petition for change of organization for a city the proponents shall publish a specified notice of intention setting forth the reasons for the proposal.

This bill would limit this requirement to a city with a population of more than 100,000 which is located in a county with a population of over 4,000,000.

Existing law provides that any change of organization or reorganization may provide for, or be made subject to one or more of specified terms or conditions.

This bill would make a technical change in one of those conditions.

Existing law relating to proposals for local governmental organization or reorganization by petition requires the executive officer to examine the petition and prepare a certificate of sufficiency within 30 days of filing.

This bill would require those actions within 30 days of receiving the petition.

Existing law requires state and local agencies on or before June 30, 1978, and June 30, 1983, respectively, to compile listings specifying in detail the information which will be

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required from any applicant for a development project, as defined, and to provide that information to applicants.

This bill would delete the June 30, 1983, date. This bill would thus impose a state-mandated local program by making it a continuing duty of local agencies to compile the listings and to provide the information to applicants.

Existing law requires the conducting authority for a district annexation not more than 30 days after the required hearing to adopt a resolution and to take one of several specified actions regarding the proposed annexation.

This bill would impose a state-mandated local program by also permitting the conducting authority to order the proposed annexation subject to an election to the extent the election would be required to be conducted by a county.

Existing law states the intent of the Legislature concerning the public access to navigable waters.

This bill would correct an obsolete cross-reference in that provision of law

Existing law specifies the salaries of court reporters in Sonoma County.

This bill would revise those salaries, as specified.

Existing law provides that the name of a garbage and refuse disposal district contain the words "garbage and refuse disposal district."

This bill would instead require that the name shall be descriptive of the functions of the district.

Under existing law, known as the Fire Protection District Law of 1961, fire protection districts which are involved in certain jurisdictional changes are required to meet various conditions and requirements. These provisions, under existing law, refer to other provisions in the District Reorganization Act of 1965 which was repealed in 1985.

Existing law provides that air pollution control districts are not subject to the Knox-Nisbet Act and the District Reorganization Act of 1965.

This bill would, with respect to those districts, delete the obsolete cross-references and, instead, make cross-references to the appropriate provisions of the Cortese-Knox Local Government Reorganization Act of 1985.

Existing law provides that specified public contract laws apply to certain contracts awarded by counties.

This bill would expressly limit the application of these provisions to public works contracts awarded by counties and would correct obsolete references

Existing law provides for the Uniform Public Construction Cost Accounting Act. The act, among other things, establishes the California Uniform Construction Cost Accounting Commission, composed of 14 members appointed by the Controller. The commission is required to submit recommendations to the Controller on the cost limits under which specified local agencies, at their option, undertake construction projects either by public employees or through a negotiated contract, through contracts entered into under informal bidding procedures, or through contracts entered into under formal bidding, procedures. These provisions require the Controller to make staff available to the commission for the performance of its duties.

This bill would require the Controller within 45 days after the expiration of a term on the commission to appoint a replacement to fill the vacancy. This bill would make technical nonsubstantive changes in these provisions.

Existing law specifies persons who have authority to make appraisals of the value of vehicles for the purposes of disposition of parked and abandoned vehicles.

This bill would revise a cross-reference in that provision

Existing law specifies that the rate of interest on unpaid operation and maintenance assessments for reclamation districts is 8% per year unless the district board adopts a lesser rate

This bill would specify that the rate is 1% per month commencing from the date of delinquency.

Existing law relating to the Fairfield-Susun Sewer District, specifies that charges payable in advance when unpaid at the time specified for fixing the tax rate for the district may be added and become a part of the annual taxes levied against the land

This bill would, instead, provide that the charges may be collected at the same time

and in the same manner as the annual taxes or may be collected pursuant to other specified procedures.

This bill would incorporate amendments to Section 65940 of the Government Code proposed by AB 3750 to become operative only if both bills are chaptered and become effective on January 1, 1987, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund. However, other provisions of the bill would provide that no reimbursement is required for certain portions of the bill for specified reasons.

Ch. 1020 (SB 1649) Nielsen. Costs of criminal trials.

Under existing law, the county clerk of each county is required to make out a statement of all costs incurred by the county with regard to the conduct of criminal trials and certain judicial hearings in that county relating to persons confined in a state hospital. Existing law also requires that the statement prepared by the county clerk be certified by the superior court judge and sent to either the State Department of Mental Health or the Department of Developmental Services depending upon the respective department's jurisdiction. Existing law requires the particular department to pay out of the money appropriated for the support of the hospital all costs approved by the court.

This bill would require the county clerk to make out a statement of all mental health treatment costs incurred and a separate statement of all nontreatment costs incurred in certain additional judicial hearings involving extended commitments and continued involuntary treatment of certain prisoners, parolees, and outpatient defendants. The bill would require that the statements concerning mental health costs be submitted to the Department of Mental Health and all nontreatment costs be submitted to the Controller, rather than the particular department, and that reimbursement be made from funds appropriated by the Legislature, rather than paying for those costs out of money appropriated for support of the particular state hospital. It would also require the county clerk to make out a statement of the transportation costs incurred by a county with respect to transporting certain mentally disordered and developmentally disabled offenders and it would require the Controller to pay those costs out of moneys appropriated by the Legislature. Thus, to the extent it would increase the level of service required of local officials by requiring them to execute separate statements for additional reimbursements to the State Department of Mental Health and the Controller, it would be a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

The bill would become operative on July 1, 1987.

Ch. 1021 (SB 1510) Presley. Public property.

(1) Under existing law, the Department of General Services has various duties concerning state property.

This bill would permit the Director of General Services, with the approval of the State Public Works Board, and, in certain instances, other specified state officials, to sell, exchange, or lease all or any part of certain parcels of state property. The bill would make

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an appropriation by specifying that any costs or expenses incurred by the Department of General Services in the sale of the surplus property shall be reimbursed from the proceeds of the sale.

The bill would permit the City of Palm Springs to use, for flood control structures, specified land in Tahquitz Regional Park, if certain conditions are met, including the construction of a storage, curatorial, and interpretive facility, which would be operated by the Tribal Council of the Agua Caliente Band of Cahuilla Indians.

The bill would require the net proceeds to be deposited in the General Fund, except that any proceeds from the sale of state park property would be deposited in accordance with the provisions of the bill

(2) Under the Roberti-Z'berg Urban Open Space and Recreation Program Act, the City of Riverside is authorized, upon agreement with the Department of Parks and Recreation, to convert to nonpark purposes all, or any part, of the Streeter Neighborhood Park, as specified, and is required to acquire, with nonstate funds, fee title to not less than 5 acres of substitute parkland.

This bill would, instead, require the city to acquire or improve, with funds from nonstate sources only, substitute parklands or substitute park facilities in accordance with the Public Park Preservation Act of 1971 and would delete the requirement that the city acquire fee title to not less than 5 acres

Ch 1022 (SB 2143) Seymour. State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974. grants. West Olive Park.

Under the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, any applicant for a state grant project is required to enter into an agreement or contract with the Department of Parks and Recreation to restrict use of the property to the purpose for which the state grant funds were requested and to permit no other use except by specific act of the Legislature.

This bill would authorize the City of Orange to convert a portion of the West Olive Park site which received a grant of bond funds for acquisition and development, if the city acquires substitute parklands or develops new recreational facilities with an equal or greater value. The bill would require the city to enter into an agreement with the department governing use of the parklands or facilities prior to the conversion.

Ch 1023 (SB 1777) Royce. Mobilehomes

(1) Under existing law, a temporary fee of \$5 is imposed on each transportable section of a manufactured home or mobilehome registered under the Mobilehome-Manufactured Housing Act of 1980.

This bill would exempt those transportable sections from the fee if they are located on a private parcel owned by the registered owner of the manufactured home or mobilehome. The bill would appropriate \$85,000 from the Mobilehome-Manufactured Home Revolving Fund to the Department of Housing and Community Development for administrative costs

(2) Under existing law, the Department of Housing and Community Development and various law enforcement officers may take possession of expired, revoked, canceled, suspended, or fictitious certificates, cards, permits, or registration decals issued under the Mobilehome-Manufactured Housing Act of 1980.

This bill would permit those officers to also take possession of transportation decals under the same circumstances.

Ch. 1024 (SB 1688) Campbell Employment agencies. advertisements.

Existing law requires all advertisements of an employment agency to contain the licensed name and address of the employment agency

This bill would instead require all advertisements of an employment agency to contain the licensed name and either the address, telephone number, or license number of the agency.

Ch. 1025 (SB 1818) Morgan Hazardous substances: underground storage tanks.

(1) Existing law requires that a permit be obtained for the storage of hazardous

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substances in underground storage tanks meeting specified design and construction requirements.

This bill would revise the definitions for "pipe" and "underground storage tank" in these provisions. The bill would require the State Water Resources Control Board to review existing regulations by July 1, 1987, concerning pipes used in connection with the storage of hazardous substances and to revise these regulations by April 1, 1988. The board would be required to submit a report to the Legislature concerning these regulations by May 1, 1988.

(2) Existing law requires all underground storage tanks for hazardous substances that are installed after January 1, 1984, to comply with certain requirements concerning design, construction, monitoring systems, and drainage and exempts pressurized piping systems connected to underground storage tanks used for the storage of motor vehicle fuels from various requirements concerning secondary containment.

This bill would require any pipe connected to any underground storage tank to be equipped with secondary containment if the tank is installed after July 1, 1987.

(3) Existing law requires all underground storage tanks installed on or before January 1, 1984, to meet specified monitoring requirements, except that tanks containing motor vehicle fuels may be monitored using an alternative monitoring system of daily gauging and inventory reconciliation if the pressurized pump system connected to the tank's system has a leak detection device.

This bill would require the leak detection device to be installed and tested in a specified manner and to be promptly repaired or replaced if not performing in compliance with the manufacturer's specifications.

(4) This bill would incorporate additional changes in Section 25292 of the Health and Safety Code, proposed by AB 3570, to be operative only if AB 3570 and this bill are both enacted and become effective January 1, 1987, and this bill is enacted last.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by imposing new requirements on cities, counties, and districts which operate underground storage tanks.

The bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1026 (AB 3162) Davis. Controlled substances. amphetamines, methamphetamines, lysergic acid diethylamide, and phencyclidine.

Existing law makes it a felony, punishable by 2, 3, or 4 years in the state prison, for any person who has under his or her management or control any building, room, space, or enclosure, to knowingly allow the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the sale of any amount of cocaine, heroin, or phencyclidine if that person obtains excessive profits by doing so.

This bill would make this crime applicable as well to fortifications made to further the sale of amphetamines, methamphetamines, or lysergic acid diethylamide. The bill would, in addition, make a clarifying change to the provision.

Existing law makes it a felony punishable by 3, 4, or 5 years in the state prison, for any person to utilize a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to sell or possess for sale any amount of cocaine, heroin, or phencyclidine.

This bill would make this crime applicable as well to buildings specifically designed to suppress law enforcement entry which are utilized in order to sell, manufacture, or possess for sale any amount of cocaine, heroin, phencyclidine, amphetamine, methamphetamine, or lysergic acid diethylamide.

Existing law makes it a misdemeanor punishable by not less than 30 days in the county jail for a person to use or be under the influence of phencyclidine or its analogs, as specified.

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This bill would increase the minimum punishment for this offense to 90 days in the county jail.

This bill would impose a state-mandated local program by revising existing crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1027 (SB 921) Senate Select Committee on Drug and Alcohol Abuse. Drug education.

(1) Existing law provides for the School-Community Primary Prevention Program, which emphasizes joint school-community program drug abuse prevention planning and implementation focusing on children, youth, and families. Existing law also requires public schools to give instruction on drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances.

This bill would require instruction in elementary and secondary schools to be given by appropriately trained instructors, as defined, thereby imposing a state-mandated local program. This bill would specify that these educational services shall not duplicate those provided pursuant to the School-Community Primary Prevention Program.

This bill would require every person convicted of an offense involving controlled substances to pay a drug program fee in an amount not to exceed \$100 for each separate offense, in addition to any other penalty prescribed by law, except as otherwise provided.

This bill would require the courts to determine whether a person convicted of these offenses has the ability to pay the fee and would authorize the courts to set the amount of the fine and order its payment in the manner specified.

This bill would impose a state-mandated local program by requiring county treasurers to maintain a drug program fund in which an amount equal to the amount assessed for the drug program fee for every conviction involving controlled substances would be deposited. The moneys in the fund would be allocated, as specified, by the administrator of the county's drug program to drug abuse programs in the schools and community, subject to the approval of the board of supervisors, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1028 (AB 3977) Katz. Controlled substances precursor: reporting ephedrine.

Existing law requires any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state, or who receives from a source outside of the state, specified substances which may be used in the unlawful manufacture of controlled substances, to report the transaction to the Department of Justice not less than 21 days prior to the delivery of the substance.

This bill would (1) on October 1, 1987, add ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine to the list of substances subject to reporting; (2) on and after April 1, 1987, require a person to have a permit to order to engage in any of the above transactions, a violation of which would be a misdemeanor or a felony, and thus this bill would impose a state-mandated local program by creating a new crime; (3) on and after April 1, 1987, require proper identification, as defined, to be obtained from a purchaser and reported prior to a sale and would prohibit the knowing submission of false or fictitious reports, a violation of which would be a misdemeanor, punishable as specified, and thus this bill would impose a state-mandated local program by creating a new crime; (4) on and after April 1, 1987, delete an existing exemption to the reporting laws; and (5) appropriate \$148,000 from the General Fund to the Department of Justice for the purposes of developing, implementing, and maintaining a comprehensive con-

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trolled substances precursor regulatory system.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1029 (AB 2692) Harris. Illegal drug laboratories.

Existing law contains various provisions defining offenses involving controlled substances subject to the California Uniform Controlled Substances Act and providing for enforcement thereof, including provisions for distribution to local governmental entities of a portion of the proceeds of property forfeited in connection with controlled-substance offenses in order to reimburse law enforcement or prosecutorial costs incurred in connection with the forfeiture proceedings or underlying criminal conviction.

This bill requires the Department of Justice to establish a Clandestine Laboratory Enforcement Program to assist state and local law enforcement and prosecutorial agencies in apprehending and prosecuting persons involved in the unlawful manufacture of controlled substances. Under the bill, the Controller, pursuant to criteria and procedures adopted by the department, would be authorized, to the extent of available funding, to (1) reimburse certain counties, as prescribed, for costs of prosecuting specified controlled substance offenses, (2) reimburse certain counties, as prescribed, for law enforcement personnel costs incurred in investigating specified controlled substance offenses, and (3) reimburse certain counties, as prescribed, for costs incurred in removing and disposing of or storing toxic wastes from the site of such a laboratory. The bill would also require the Bureau of Narcotic Enforcement, to the extent of available funding, to provide specified training to law enforcement personnel, make safety equipment available to local enforcement officials, and establish enhanced enforcement teams. The bill would require the department's Crime Prevention Center, to the extent of available funding, to conduct prescribed informational activities with respect to clandestine controlled-substance laboratories.

The bill would appropriate \$1,925,000 from the General Fund for expenditure during the last half of the 1986-87 fiscal year for the purposes of the bill in accordance with a prescribed schedule.

The bill would repeal its changes without further action of the Legislature on January 1, 1990.

Ch. 1030 (AB 4209) Peace. Controlled substances.

Existing law provides that any person convicted of specified controlled substances offenses shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him or her suspended by the court, if he or she has previously been convicted of a felony violation of the California Uniform Controlled Substances Act involving designated controlled substances.

This bill would make a person convicted of the possession for sale, purchasing for sale, or transporting, importing, selling, furnishing, administering, or giving away of, among other controlled substances, opium, specified opiates and opium derivatives, specified depressants, mescaline, peyote, tetrahydrocannabinols, cocaine, coca leaves, and other specified narcotic drugs, ineligible for suspension of sentence or probation under the above provision.

The bill would also require those prior convictions and facts, which in certain cases will make a person ineligible for suspension of sentence or probation, to be alleged in the criminal information or indictment and determined by the jury or court, as specified, unless admitted by the defendant.

Ch 1031 (AB 4198) Condit. Controlled substances: hazardous chemicals.

Existing law prohibits the disposal of hazardous wastes in unauthorized facilities, and imposes various civil and criminal penalties for a violation of those provisions.

This bill would provide that a manufacturer of a controlled substance who disposes of any hazardous substance that is a controlled substance or precursor in violation of the

laws relating to the disposal of hazardous substances or hazardous waste is guilty of a public offense punishable by imprisonment for 2, 3, or 4 years, or in the county jail not exceeding one year, thereby creating a state-mandated local program by creating a new crime.

Under existing law, when a law enforcement agency seizes more than 10 pounds of a suspected controlled substance or more than 2 ounces of a suspected hazardous chemical believed to have been used in the unlawful manufacture of controlled substances, that material may be disposed of if certain requirements are met, including a requirement that at least 5 random samples be taken for evidence, and that at least one 2-ounce sample be taken.

This bill would, with respect to material consisting of or containing a hazardous chemical, eliminate the requirement that 5 random samples be taken, but would generally require that the 2-ounce sample be taken from each container.

Existing law provides that after seizure by a law enforcement agency of a suspected controlled substance, except marijuana, any amount in excess of 57 grams may, by court order, be destroyed if specified requirements are met.

This bill would provide that that provision does not apply to seizures involving hazardous chemicals or controlled substances in combination with hazardous chemicals.

Existing law provides for remedial action with respect to hazardous substances.

This bill would require the State Department of Health Services to take remedial action for hazardous substances that are illegal controlled substances or used in their manufacture.

Existing law provides that the expenses of seizing, eradicating, or destroying a controlled substance or its precursors are recoverable from any person who manufactures or cultivates a controlled substance or its precursors in violation of the Uniform Controlled Substance Act or who aids and abets or profits from that action. Existing law provides that the action may be brought by the district attorney, county counsel, or city attorney, and that the plaintiff has the burden of proof.

This bill would also permit the recovery from those persons, as well as other specified persons, of costs of specified remedial action, as defined, with respect to any controlled substance or its precursors. It would also permit the action to be brought by the State Department of Health Services or the Attorney General. It would provide that if a person is convicted of a criminal charge of the manufacture or cultivation of a controlled substance, there would be a presumption affecting the burden of proof that the person is liable.

Existing law continuously appropriates a specified amount from the Hazardous Substance Account in the General Fund for specified purposes.

This bill would provide that the State Department of Health Services may spend funds in the account for purposes provided in the bill, thus the bill would make an appropriation by expanding the purposes for which continuously appropriated moneys may be expended.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1032 (AB 4145) Condit. Controlled substance offenses: forfeiture proceedings.

(1) Existing law provides for forfeiture, among other things, of (a) the interest of any registered owner of a boat, airplane, or vehicle, other than an implement of husbandry, used to facilitate certain controlled substance violations for which a conviction is obtained and (b) moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of specified criminal provisions, provided the person is convicted of the violation and certain other criteria are met.

This bill would delete this requirement for a conviction as a precondition to forfeiture of cash, negotiable instruments, and cash equivalents if the forfeiture does not defeat

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certain claims. With respect to other types of property subject to forfeiture, the bill, as a condition to forfeiture, would require a conviction of the underlying or related controlled substance offense and would require that the defendant have been arrested within 5 years of the conduct that is the basis of the forfeiture, except that no conviction would be required if the defendant fails to appear as required in criminal proceedings in which the petition for forfeiture is filed. In such a case, this bill would require the judgment of forfeiture to be entered by default after specified efforts to give notice. The bill would make related changes.

The bill would vest title in items subject to forfeiture under the California Uniform Controlled Substances Act in the state upon commission of the act giving rise to the forfeiture, subject to specified conditions, if the state or local governmental entity proves a violation of specified controlled substances provisions by a standard of proof which the bill specifies. Under the bill the standard of proof would be established as proof by a preponderance of the evidence in the case of cash or negotiable instruments of a value of not less than \$25,000 and proof beyond a reasonable doubt as to other types of property subject to forfeiture. This bill would delete provisions requiring prosecutors to file a lis pendens for real property that is the subject of forfeiture proceedings. The bill would require the seizing peace officer of the Los Angeles Police Department or the Los Angeles Sheriff's Department to place money and cash equivalents, in certain cases, in the custody of the superior court or the Attorney General or district attorney to hold for the court.

(2) Under existing law, a peace officer making or attempting to make an arrest for specified controlled substance offenses may seize forfeitable property in connection therewith.

This bill would include certain offenses involving purchase of a controlled substance for the purpose of sale.

(3) Nothing in existing law authorizes a nonjudicial, administrative proceeding for forfeitures under the California Uniform Controlled Substances Act.

This bill would authorize the Attorney General or district attorneys to conduct administrative forfeiture proceedings, as specified, with respect to personal property not exceeding \$25,000 in value. Upon filing of a timely claim for the property, the matter would, however, be required to be refiled in judicial forfeiture proceedings. The bill would also create a rebuttable presumption in judicial forfeiture proceedings of the traceability of moneys, negotiable instruments, securities, and other things of value if the state or local governmental entity establishes, by a preponderance of the evidence, that (a) the property was acquired during or a reasonable time after the period of the violation and (b) there was no likely source for the property other than the controlled substance violation.

(4) Under existing law, forfeiture of property owned by persons not directly involved in controlled substance offenses is authorized if it is proven beyond a reasonable doubt that the owner consented to the use of the property with knowledge of the unlawful purpose.

This bill would require proof of this knowledge instead by the burden of proof otherwise applicable under the bill.

(5) This bill would repeal the above provisions on January 1, 1989, unless a later enacted statute, which is enacted before that date deletes or extends that date. If that date is not deleted or extended, then, on and after January 1, 1989, former law shall have the same force and effect as if these temporary provisions had not been enacted.

(6) Existing law requires that money or proceeds from a sale of property seized and forfeited in controlled substances cases be distributed by a state or local governmental entity to certain state or local agencies in a specified manner. Under existing law after reimbursement to an innocent purchaser and for expenses in connection with the sale of the property, local governmental entities or the state are reimbursed, as specified, for those enforcement and prosecutorial proceedings. The reimbursement funds are required to be used for investigation, detection, and prosecution of criminal activities. The remainder of those funds are equally divided and deposited in the Mental Health Primary Prevention Fund, and the Narcotic Assistance and Relinquishment by Criminal

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Offenders Fund, as specified.

This bill would, after reimbursement to the purchaser and for expenses of the sale, reimburse, by a specified percentage, local or state law enforcement for the seizure and the prosecutorial agency for the forfeiture action, and would allocate the balance, as specified, to the Mental Health Primary Prevention Fund, the Narcotics Assistance and Relinquishment by Criminal Offenders Fund and certain nonprofit organizations. The bill would prohibit use of the funds to law enforcement and prosecutorial agencies to supplant state or local funds available for law enforcement and prosecutorial efforts.

The bill would make certain of these moneys and proceeds subject to future appropriation and the annual budget process.

(7) This bill would incorporate additional changes in Sections 11470 and 11488 of the Health and Safety Code, proposed by SB 1960, to be operative only if SB 1960 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last. The bill would also make conforming related changes.

Ch. 1033 (AB 4029) Condit. Anabolic steroids.

(1) Existing provisions of the California Uniform Controlled Substances Act impose special limitations on the prescription and use of drugs and substances classified by that act in 5 schedules of controlled substances. The act prescribes imprisonment for up to one year in a county jail for unlawful possession of specified controlled substances.

This bill would classify anabolic steroids as controlled substances in Schedule III for purposes of the California Uniform Controlled Substances Act, but the bill would provide a misdemeanor penalty of up to 6 months in a county jail for unlawful possession of an anabolic steroid with no prior conviction thereof. By expanding the application of existing criminal provisions and adding these new penalty provisions, this bill would impose a state-mandated local program.

(2) This bill would incorporate additional changes in Section 11377 of the Health and Safety Code proposed by SB 1960, to be operative only if SB 1960 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1034 (AB 3254) Frizzelle. Diversion programs: fees.

Existing law establishes diversion programs for the treatment of defendants accused of specified crimes involving narcotics or drug abuse or domestic violence. Existing law authorizes the imposition of a fee of up to \$50 on a defendant accused of a misdemeanor, to cover the cost of processing a request or application for diversion pursuant to those provisions.

This bill would increase the maximum amount of the fee which may be imposed on such a defendant to \$100, and would authorize the imposition of the fee for the cost of any criminal laboratory analysis in a case involving a violation of the California Uniform Controlled Substances Act pursuant to specified provisions of existing law in the case of a defendant accused of a misdemeanor. The bill would impose a state-mandated local program by providing that in counties served by criminalistics laboratories of the Department of Justice, amounts deposited in the criminalistics laboratories funds, after deduction of appropriate and reasonable county overhead charges attributable to the collection thereof, shall be paid by the county treasurer once a month to the Controller for deposit into the General Fund, and shall be exempt from the otherwise applicable expenditure requirements.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

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This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1035 (AB 2823) Hughes. Controlled substances: offenses involving minors: terms of imprisonment.

Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 4, or 5 years, for a person 18 years of age or older to engage in specified acts involving a minor with respect to specified controlled substances.

This bill would increase the term of imprisonment to 3, 5, or 7 years in the state prison for all of these offenses, except the furnishing, administering, or giving away, or the offering to furnish, administer, or give away, of the specified controlled substances to a minor 14 years of age or over.

Ch. 1036 (AB 2818) Calderon. Controlled substances: use.

(1) Existing law makes it a misdemeanor to willfully use or be under the influence of specified controlled substances. Existing law prescribes a 90-day minimum jail term upon conviction of this offense with respect to certain of these controlled substances, including certain synthetic tetrahydrocannabinols, and a 30-day minimum jail term with respect to others of these controlled substances.

This bill would make the 90-day minimum jail term applicable to all violations of these provisions, and would exclude certain synthetic tetrahydrocannabinols from the application of these provisions. By increasing the minimum term of imprisonment for those violators presently subject to a 30-day minimum jail term, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1037 (SB 1806) McCorquodale. Controlled substances.

Under existing law, a person before a court on an accusatory pleading for specified offenses involving controlled substances may, under certain circumstances, be eligible for diversion.

This bill would make a person charged with a battery against specified persons in addition to the above offenses ineligible for diversion.

This bill would incorporate additional changes in Section 11550 of the Health and Safety Code, proposed by AB 2818 or SB 1960 or both, to be operative only if this bill and AB 2818 or SB 1960 or both are chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch. 1038 (SB 1805) McCorquodale. Controlled substances: minors: school grounds.

Existing law makes it a felony, punishable by imprisonment in the state prison for 5, 6, or 7 years, for any person 18 years of age or older to unlawfully prepare for sale, sell, or give away any controlled substance to a minor under the age of 14 years in schools or upon school grounds or public playgrounds, as specified.

This bill would revise this provision to, instead, make it a felony, punishable by imprisonment in the state prison for 5, 7, or 9 years, for any person 18 years of age or older to unlawfully prepare for sale, sell, or give away any controlled substance to a minor under the age of 14 years in schools or upon school grounds or public playgrounds, as specified.

Ch. 1039 (SB 1470) McCorquodale. Financial transactions: proceeds of criminal activity: financial institution reporting.

(1) Existing law makes property and proceeds acquired through a pattern of criminal

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profiteering activity subject to forfeiture upon conviction of an underlying offense, as specified. Existing law makes it a criminal offense to knowingly buy or receive stolen property or property otherwise acquired by extortion or theft or to knowingly conceal, sell, or withhold the property from the owner or aid therein

This bill would impose a state-mandated local program by generally making it a criminal offense, which the bill denominates as money laundering, for any person to conduct or attempt to conduct a transaction through a financial institution, as defined, involving defined monetary instruments of a value exceeding \$5,000 (a) for specified criminal purposes, or (b) knowing that the monetary instrument represents the proceeds of, or is derived directly or indirectly from the proceeds of, criminal activity, as defined. An additional intent element would be prescribed by the bill with respect to criminal defense attorneys who receive such a monetary instrument in payment of legal fees. The bill would make specified property and proceeds involved in money laundering subject to forfeiture under the California Control of Profits of Organized Crime Act.

(2) With specified exceptions, existing law precludes financial institutions from disclosing financial records of customers to state or local agencies

This bill would require specified financial institutions to make and keep a record of each transaction by, through, or to, the financial institution which involves currency of more than \$10,000 or results in the exchange of a monetary instrument or instruments of value in excess of \$10,000 for another monetary instrument or instruments. This bill would require these financial institutions to file a prescribed report of any such monetary instrument transaction with the Department of Justice in a form and at the time the department shall, by regulation, require. This bill would require certain other financial institutions to file a duplicate copy of each report required by specified provisions of federal law with the department at any time the department shall, by regulation, require. Reports, information, analyses, or requests for information received by the department or any agency under this bill would not be required to be disclosed as public records, but the department would be required to analyze the reports and report possible violations to the appropriate criminal justice agency. With specified exceptions, the bill would require the department to destroy the reports after 5 years and would require destruction of excepted records after 10 years, unless they are the subject of pending criminal proceedings. The department would also be authorized to supply the reports to specified public agencies. The bill would exempt reporting financial institutions from liability for loss or damage resulting from compliance with the bill or any governmental use of reports

(3) The bill would impose a state-mandated local program by making it a criminal offense to willfully violate any of the above requirements or regulations of the department or to evade reporting obligations, as specified. These offenses would be punishable as a felony or misdemeanor, as specified.

(4) The changes proposed by the bill would be repealed January 1, 1992, without further action of the Legislature

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The bill would appropriate \$240,000 as an advance to the Department of Justice for its purposes and would require repayment from the department's Federal Forfeiture Account in the Special Deposit Fund

Ch 1040 (SB 2390) Seymour Criminal investigations California Criminalistics Institute. ¹⁰

(1) Existing law prescribes the duties and responsibilities of the Attorney General with respect to the conduct of criminal investigations.

This bill would establish in the Bureau of Forensic Services of the Department of Justice the California Criminalistics Institute. This bill would specify that the purposes of the institute shall include, among other things, the facilitation of a comprehensive and coordinated approach to meet the high technology forensic science needs of crime

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laboratories operated by the department and local law enforcement agencies, the provision of a statewide upgrading of advanced laboratory services incorporating new and developing technologies, the provision of training and methodology development for all law enforcement agencies, and the handling of advanced casework laboratory referral services.

This bill would provide that the institute is intended for use by state and local forensic scientists and law enforcement personnel. This bill would provide that priorities regarding training and methodology development shall be established and monitored by a users' advisory board to be chaired by the Chief of the Bureau of Forensic Services of the Department of Justice and comprised of members selected by specified organizations and agencies.

(2) This bill would appropriate ~~\$947,385~~ [\$347,000]* from the General Fund to the Department of Justice for purposes of funding the California Criminalistics Institute in the 1986-87 fiscal year.

(3) This bill would declare that it would take effect immediately as an urgency statute.

Ch 1041 (SB 2446) Doolittle. Management, possession, and control of state parking facilities. Joint Rules Committee. Department of General Services

Pursuant to the general authority of existing law, the state parking facility located in Sacramento in the block bounded by 14th, 15th, N, and O Streets is under the management and control of the Department of General Services.

This bill would authorize the Governor, at his option, to transfer total or partial possession and control of that property to the Joint Rules Committee. It would require the Department of General Services to enter into any necessary interagency agreements and cooperate in any manner necessary to effectuate a transfer and to obtain the prior written consent of the Joint Rules Committee before taking any action to change the use of the property.

The bill would further require that management of any structure constructed on the property reside with the Joint Rules Committee.

The bill would take effect immediately as an urgency statute.

Ch 1042 (AB 3102) Ferguson. Controlled substances

(1) Existing law provides that a controlled substance shall be stored only in a warehouse which is licensed by the Board of Pharmacy. Specified health professionals, among others, are exempted from this requirement.

This bill would make a technical, nonsubstantive change in those provisions.

(2) Existing law specifies the substances that are included in 5 schedules of controlled substances. The law presently provides that tetrahydrocannabinols and their derivatives are in Schedule I.

This bill would add certain forms of dronabinol, which is a synthetic form of tetrahydrocannabinol, in Schedule II.

(3) This bill would incorporate additional changes in Section 11055 of the Health and Safety Code, proposed by AB 1207, to be operative only if AB 1207 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1043 (AB 2700) Roos. Controlled substances. nuisances damages

Existing law provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away controlled substances, as defined, and every building or place wherein or upon which those acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

This bill would provide that, in lieu of ordering such a building or place closed, the court may order specified persons to pay damages, equal to the fair market rental of the building or place for one year, to city or county drug prevention and education programs, as specified.

This bill would incorporate additional changes in Section 11570 of the Health and

Safety Code, proposed by SB 2167, to be operative only if SB 2167 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch. 1044 (SB 1960) Seymour Controlled substances.

(1) Existing law includes certain substances as Schedule I controlled substances, and cocaine as a Schedule II controlled substance.

This bill would include cocaine, except as a cocaine hydrochloride, fenethylline, and N ethylamphetamine as Schedule I controlled substances, and would include cocaine hydrochloride as a Schedule II controlled substance.

(2) Existing law provides that possession for sale of cocaine and related substances is punishable by imprisonment for 2, 3, or 4 years.

The bill would provide for punishment by imprisonment for 3, 4, or 5 years for possession or purchase of cocaine for sale except that possession for sale of cocaine hydrochloride would remain punishable for 2, 3, or 4 years. It would make related changes.

The bill would provide specified punishment for possession, possession for sale, transportation, and related acts with respect to fenethylline and N-ethylamphetamine, thereby imposing a state-mandated local program

(3) Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 4, or 5 years, for a person 18 years of age or older to engage in specified acts involving a minor with respect to specified controlled substances.

This bill would increase the term of imprisonment for these offenses, not including those offenses with respect to marijuana, to 3, 5, or 7 years in the state prison.

(4) Existing law provides for the forfeiture of a boat, airplane, or vehicle that has been used to facilitate the possession, or sale of certain controlled substances, including specified amounts of cocaine and cocaine related substances.

This bill would make those forfeiture provisions applicable to reduced quantities of cocaine and related substances.

(5) Existing law provides that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, persons convicted of specified controlled substances offenses involving phencyclidine, or persons convicted of possessing piperidine and cyclohexanone with intent to manufacture phencyclidine.

This bill would provide, instead, that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, persons convicted of specified controlled substances offenses involving phencyclidine, or any of its analogs or precursors, or persons convicted of possessing either piperidine, pyrrolidine, or morpholine, and cyclohexanone with intent to manufacture phencyclidine or any of its analogs.

The bill would also provide that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, persons convicted of engaging in various acts involving a minor with respect to specified controlled substances.

The bill would also provide that, except in an unusual case where the interests of justice would best be served by granting probation, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, persons convicted of possessing for sale 14.25 or more grams of cocaine, or of transporting or importing for sale or administering cocaine or offering or attempting to do so, or of selling or offering to sell cocaine, or of engaging in various acts involving a minor with respect to cocaine.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7) The bill would incorporate additional amendments proposed by AB 2362 (Ch. 80, Stats. 1986), AB 2818, AB 3102, AB 3162, AB 3642, AB 4029, AB 4145, AB 4209, SB 1470, and SB 1806 contingent upon, among other things, the later enactment of this bill.

Ch. 1045 (AB 2748) Stirling. Trial juries: written instructions.

Existing law provides that in jury trials the court shall give the jury a charge at the end of trial instructing them regarding matters of law necessary to give a verdict. The

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court is authorized in civil matters to give the jury upon retiring for deliberation a copy of the written instructions; and, in criminal matters, the court is authorized to cause copies of the instructions to be delivered to the jurors at the time the instructions are given.

This bill would authorize the court in both civil and criminal matters to provide written instructions to the jury at the times specified above except in cases where the jury requests a copy of the jury instructions in which case the court would be required to supply a written copy of the instructions. It would also require the court to advise the jury of the availability of a copy of the jury instructions.

Ch. 1046 (AB 3242) Bates. Family law: support.

Existing law provides generally that a money judgment may not be enforced upon the expiration of 10 years after the entry of the judgment, the period of enforceability of such a judgment may, however, be extended by renewal of the judgment pursuant to a specified procedure. However, a judgment for child or spousal support may be enforced after 10 years in the discretion of the court.

This bill would specify that a judgment for child or spousal support may be extended pursuant to the above-mentioned procedures.

The bill would also require counties to indicate the amount appropriated for child and spousal support enforcement in the county budget, as specified. Inasmuch as these provisions would require county officials to perform additional functions they would establish a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Ch. 1047 (AB 3288) Moore. Universal telephone service.

(1) Under existing law, whenever the Public Utilities Commission, after a hearing, finds that public convenience and necessity require the use by one public utility of all or any part of the equipment, as specified, of another public utility, the commission may order that the use be permitted and prescribe a reasonable compensation and reasonable terms and conditions for the joint use.

This bill would require the commission to require a local telephone corporation to notify its subscribers whenever it requests authorization to impose a charge, surcharge, or rate increase as a result of a change in payment for the use of its telephone lines by a long-distance telephone corporation and to provide its subscribers with a description of, and explanation for, those changes within 90 days of their authorization. Since a violation of this requirement would be a crime under other provisions of the law, the bill would impose a state-mandated local program.

The bill would require the commission, within 60 days of January 1, 1987, to provide specified information to the Legislature regarding any changes in those payments or imposition of those charges, surcharges, or rate increases authorized prior to January 1, 1987.

The bill would make legislative findings and declarations.

(2) Existing law directs the commission to establish a class of universal telephone service, as specified, for residential subscribers meeting eligibility criteria established by the commission after taking designated factors into account, including the cost of providing the service under specified circumstances, and to establish rates for that service at not greater than 50% of the basic rate for measured service or, if measured service is not available in the subscriber's service area, not greater than 50% of the rates for basic flat rate service, as specified. Under existing law, the universal service rates apply to no service or charge other than the basic rate.

This bill would require the commission to annually designate a class of universal telephone service that would take into account differentials in subscriber communica-

tion needs and the cost of acquiring the service under specified circumstances. The bill would give subscribers in a service area where measured service is available, an additional option for the universal service rate, as specified, give all subscribers, regardless of service area, an allowance equal to the then federally mandated residential end user service charges, and would delete the provision prohibiting the application of universal service rates to any service or charge other than the basic rate.

The bill would delete obsolete provisions.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1048 (AB 3750) Cortese. Development: hazardous materials.

(1) Existing law operative until January 1, 1989, requires each local agency to compile one or more lists of information which an applicant for a development project, as defined, is required to provide. Local agencies are required to approve development projects in accordance with specified procedures.

This bill would delete the repeal date and would also require each local agency to revise the list to require each applicant for a development project to certify compliance with the bill's provisions, thereby imposing a state-mandated local program.

The bill would, as of July 1, 1987, require the State Department of Health Services, the State Water Resources Control Board, and the California Waste Management Board to compile a list of various hazardous waste and substance sites, to update these lists as appropriate, but at least annually, and to submit the lists to the Office of Planning and Research for consolidation and distribution to each city and county in which sites on the lists are located. The bill would require each applicant for a development project which will be used by any person to consult the lists and to submit a signed statement indicating whether the project is located on a listed site before the local agency may accept as complete an application for the project.

(2) This bill would incorporate amendments to Section 65940 of the Government Code proposed by AB 4350 to become operative only if both bills are chaptered and become effective on January 1, 1987, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1049 (AB 3081) Felando Commercial fishing: licenses and taxes

(1) Under existing law, certain persons who engage in specified businesses relating to fish, including taking specified fish, using specified gear, and wholesaling, transporting, importing, and processing of fish, are required to obtain a license and pay privilege taxes.

This bill would enact the Felando-Polanco Fisheries Act of 1986, which would revise and recast the license fees, the classes of activities for fish business licenses, and the taxing provisions. It would provide for 4 specialty classes of business licenses for activities other than fishing to be issued for specified fees, would change and redesignate the privilege taxes as landing taxes, would delete the special privilege tax on mackerel, and would make other technical and conforming changes.

The bill would also provide for compromise of a specified part of those taxes that are due and payable and would make findings of the public purpose for the remission and compromise.

(2) Existing law would require the revenues of the taxes and license fees to be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund. Because the bill would change those revenues, it would make an appropriation.

(3) A violation of the bill would be a misdemeanor pursuant to other, existing provisions of law. Thus, the bill would impose a state-mandated local program by changing

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the definitions of crimes.

(4) The bill would require the Department of Fish and Game to make a prescribed study and to report its findings to the Legislature on or before January 1, 1988.

(5) This bill would incorporate additional changes in Section 8586.3 of the Fish and Game Code, proposed by AB 2914, to be operative only if AB 2914 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last. These changes would become operative on the operative date of AB 2914.

(6) This bill would incorporate additional changes relating to sea urchin diving permits proposed by AB 3278 to be operative only if AB 3278 and this bill are both enacted.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

(8) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1050 (AB 3359) Papan. Schools facilities funding: facilities for individuals with exceptional needs.

Under existing provisions of the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the State Allocation Board is authorized to allocate funds for the construction of school facilities, as specified.

This bill would require that, except as specified, all school facilities purchased or newly constructed pursuant to that state funding, for use by pupils who are individuals with exceptional needs, as defined by existing law, be designed and located on the school site so as to maximize interaction between those pupils and other pupils as appropriate to the needs of both. The bill would also set forth a procedure authorizing the waiver of this requirement by the Superintendent of Public Instruction.

The bill would require the State Allocation Board, after consultation with designated educational entities, to develop and adopt any regulations necessary to implement that requirement.

Existing law prohibits the State Allocation Board from entering into any leases for any project replacing inadequate school facilities unless it has first found that it would not be economical or good practice to rehabilitate those facilities.

This bill would add, as grounds for a second exception, the finding by the board that the facilities are inadequate due to their susceptibility to repeated flooding, as defined by the board's regulation. This bill would also provide that the building area of any such facility would be excluded from the calculation of the adequate school construction of the applicant school district for purposes of any application for project funding for its replacement.

Ch 1051 (AB 3849) Margolin. Witnesses: minors.

Existing law requires a court to take special care to protect a witness under the age of 14 from undue harassment or embarrassment, and to restrict the unnecessary repetition of questions

This bill would require a court to also take special care to insure that questions are stated in a form which is appropriate to the age of the witness; and would authorize a court in the interests of justice, on objection by a party, to forbid the asking of a question which is in a form that is not reasonably likely to be understood by a person of the age of the witness.

The bill would also authorize a court, in cases where the child is under the age of 11, to limit the taking of such a child's testimony to the hours during which the child is normally in school, if there is no good cause to take the child's testimony during other hours, would authorize a court to allow other witnesses in the proceeding to be examined when a child witness under the age of 11 retires from the courtroom; and require the court in any criminal trial or proceeding in which a child 10 years of age or younger testifies as a witness, upon the request of a party, to instruct the jury, as specified, that although because of the child's age and level of cognitive development the child may perform differently from an adult as a witness, that in itself does not mean that the child is any more or less credible a witness than an adult.

The bill would also make additional changes in Sec. 868.8 of the Penal Code as con-

tained in AB 2916, contingent upon the enactment and prior chaptering of AB 2916.

Ch. 1052 (AB 4357) Filante. Reportable diseases: State Department of Health Services.

(1) Under existing law, the State Department of Health Services has authority to establish a list of reportable diseases and may change the list at any time. Under this authority, the department has adopted by regulation a list of reportable diseases. Those diseases listed as reportable, under existing law, are required to be reported to the department by the local health officer. Existing law also requires the department to establish a list of reportable diseases transmitted by food products and specifies certain diseases to be included on the list.

This bill would require the department to establish a list of reportable diseases. It would provide that this list may include both communicable and noncommunicable diseases. This bill would require publication of the list in the California Administrative Code. The requirement on the department to establish a list of reportable diseases would impose a state-mandated local program because of the new reporting requirement such a list would trigger for the local health officer.

This bill would also repeal the provisions, described above, which require the department to establish a list of reportable diseases transmitted by food products. However, this bill would include some of the diseases listed in the repealed provision in the list of diseases required by its provisions to be reported. It would also specify that the list of reportable diseases may include those that are either known to be, or suspected of being, transmitted by milk or milk-based products.

It would make some conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Existing law authorizes the State Department of Health Services to enter into agreements with counties to detect and recover the value of Medi-Cal benefits which have been improperly received or obtained, and authorizes an incentive payment to the county equal to 10% of the amount remaining after costs of recovery have been deducted.

This bill would increase the amount of the county's incentive to an amount not to exceed 30% of the value of the property remaining after reasonable county costs have been deducted from the amount required, and would require the State Department of Health Services to establish and maintain a plan for control of county costs.

Ch 1053 (AB 3719) Costa. Planning: use of farmland.

Existing law requires the Department of Conservation to collect or acquire information on the amount of land converted to or from agricultural use during the preceding year and to prepare, update, and maintain Important Farmland Series maps.

This bill would revise the dates by which the information is requested to be collected or acquired and the reports made, as specified. The bill would also require the department to acquire any supplemental information which may become available from new soil surveys, to establish comparable baseline data for counties not included in the 1984 baseline, and to report on the data.

Ch. 1054 (AB 3674) Hughes. Education.

Pursuant to existing law, the California State University is responsible for providing higher education at its various campuses throughout the state.

This bill would require the university to conduct a study, as specified, regarding potential programs to assist education aides to obtain teaching credentials.

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Existing law authorizes the Trustees of the California State University to establish any program of insurance with respect to employees of the trustees, subject to other applicable provisions of state law. Existing law also requires the employees participating in these programs of insurance to bear the premiums of the insurance programs.

This bill would, instead, require the employees, employer, or employees and employer to bear the premiums of the insurance programs.

Ch. 1055 (AB 3374) Calderon. Solid waste: disposal sites: air monitoring water pollution reports.

(1) Existing law requires the State Water Resources Control Board to submit annual reports on or before July 1, 1988, July 1, 1989, and July 1, 1990, on the extent and effect on water quality of hazardous wastes in solid waste disposal sites, with recommendations on needed actions to protect water quality.

This bill would change the dates that the reports are due from the board to January 1, 1989, January 1, 1990, and January 1, 1991, respectively.

(2) Existing law requires solid waste disposal sites to submit a solid waste assessment report to the board of the air pollution control district or the air quality management district by January 1, 1987. The district board is required to examine the report and notify the State Department of Health Services and the California Waste Management Board if the district board determines that hazardous waste is migrating into the air. The State Air Resources Board is required to submit a report to the Legislature on or before July 1 of 1988, 1989, and 1990, concerning hazardous waste in solid waste sites.

This bill would repeal those provisions and would instead require the owner of a solid waste disposal site, as defined, to submit a solid waste air quality assessment test report, as specified, to the district on or before July 1, 1987. The bill would also require the owner of an inactive solid waste disposal site, except as specified, to submit a screening questionnaire to the district on or before November 1, 1986, and to submit specified information required by the district based upon an evaluation of the questionnaire by the district. The bill would require the state board to develop guidelines for the test report and evaluation of the screening questionnaire by February 1, 1987, and to develop the screening questionnaire by October 1, 1986.

The bill would authorize a district to exempt a site from these provisions and to reevaluate the status of a solid waste disposal site and require the submission or revision of a test report.

A district would be required to evaluate all test reports for compliance with the state board's guidelines. The bill would require the district to take appropriate remedial action if the district determines, after evaluating the test report and consultation with the department and the California Waste Management Board, that the levels of specified air contaminants, as defined, pose a health risk or a threat to the environment.

The bill would delete the requirement that the state board submit a report to the Legislature by July 1, 1990.

(3) The bill would incorporate additional changes to Section 66796.54 of the Government Code proposed by AB 3088, if this bill and AB 3088 are both enacted and this bill is enacted last.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by requiring cities, counties, and districts which own a solid waste disposal site or an inactive site to submit a specified test report and by requiring air quality management districts and air pollution control districts to evaluate these reports and take specified actions.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1056 (AB 2751) Bates. Department of Motor Vehicles: records: access.

(1) Under existing law, all records of the Department of Motor Vehicles, with specified exceptions, relating to the registration of vehicles, other information contained on an application for a driver's license, abstracts of convictions, and abstracts of accident reports, required to be sent to the department in Sacramento, are open to public inspection during office hours.

This bill would require the department to accord the Attorney General, district attorneys, law enforcement agencies, public defenders, and public defender's investigators access, including, but not limited to, telephone access, to department records which are open to the public on an equal basis.

The bill would impose a state-mandated local program since a violation of these provisions would be punishable as an infraction.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1057 (AB 1492) Calderon. Financial institutions

(1) Under existing law, the Superintendent of Banks is empowered to examine bank holding companies and their subsidiaries utilizing the superintendent's examiners or independent public accountants.

This bill would require bank holding companies to pay prescribed fees and expenses in connection with these examinations, except with respect to examination of domestic banks. Since these fees (and other fees imposed by the bill) would be deposited in the State Banking Fund, which is continuously appropriated, this bill would constitute an appropriation measure.

(2) Under existing federal law, a bank holding company or any subsidiary thereof is, with a specified exception, prohibited from acquiring any voting shares of, interest in, or all or substantially all of the assets of any additional bank located outside the state in which the operations of the bank holding company's banking subsidiaries were principally conducted on July 1, 1956, or the date on which the company became a bank holding company, whichever is later, unless the acquisition is specifically authorized by the statutes of the state in which the bank to be acquired is located. Existing law of this state does not authorize such an acquisition.

This bill would, on and after January 1, 1991, authorize certain forms of these acquisitions by a bank holding company, as specified. The bill would prescribe fees to be submitted with applications to the superintendent, which would be deposited in the State Banking Fund. The forms of acquisition permitted by the bill would include acquisition of an existing California bank or California bank holding company as a subsidiary, direct or indirect acquisition of more than 50% of the assets of a California bank or California bank holding company, and merger or consolidation with a California bank or bank holding company. The bill would require a foreign bank holding company acquiring control of a California bank under the bill to first file with the superintendent an agreement to comply with the Banking Law. The bill would not affect existing law respecting acquisitions by prescribed banks and bank holding companies outside the United States. The bill would authorize the superintendent to provide regulatory agencies of other states and the United States with specified information related to acquisitions under this bill.

(3) Existing law, with certain exceptions, prohibits savings associations of the types subject to the Savings Association Law, but which are organized under the laws of another state, from doing business in this state.

This bill would authorize foreign savings companies to do business in this state on and after January 1, 1991, with the approval of the Savings and Loan Commissioner. The bill would authorize the commissioner to condition approval upon reciprocal examination arrangements with regulatory officials in other states.

(4) The bill would become operative only if SB 2300 is enacted

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Ch. 1058 (AB 2756) La Follette. Hazardous waste: quarantine.

(1) Existing law authorizes the State Director of Health Services to issue an order specifying a schedule of compliance or correction to any person who is in violation of the hazardous waste control laws or regulations.

This bill would allow an authorized agent of the State Department of Health Services, as defined, to issue an order of quarantine for any hazardous waste, or material reasonably believed to be hazardous waste, which the authorized agent has probable cause to believe is being stored, transported, disposed of, or handled in violation of the hazardous waste control law and threatens public health and safety or the environment. The bill would prohibit any person from removing, transferring, or disposing of any hazardous waste subject to a quarantine order.

The bill would specify a procedure for conducting a hearing concerning the order and would require an authorized agent to revoke the order under specified circumstances. The quarantine order would remain in effect for 30 days, except as specified, and the authorized agent would be allowed to remove the hazardous waste to a place of safekeeping if the hazardous waste will be, or is likely to be, removed, transferred, or disposed of. The bill would require hazardous waste in transit which is subject to a quarantine order to be stored or held at a specified location.

(2) Existing law requires all civil and criminal penalties collected for violation of specified provisions of the Hazardous Waste Control Law to be apportioned so that 50% is deposited in the Hazardous Waste Control Account, 25% is paid to the office of the city attorney, the district attorney, or the Attorney General, whichever office brought the action, and 25% is paid to the State Department of Health Services to fund specified activities of local health officers.

This bill would instead require that 50% of all civil and criminal penalties so collected be paid to the state or local agency which investigated the action, to be apportioned as specified, and 50% to the office of the city attorney, the district attorney, or the Attorney General, whichever office brought the action. The bill would require that any penalties collected by a state agency pursuant to this provision be deposited in the Hazardous Waste Control Account.

The bill would require that \$200 of each penalty collected be deposited in the Hazardous Waste Enforcement Training Fund, which this bill would create in the General Fund. The bill would authorize the Office of Criminal Justice Planning to expend the moneys in the Hazardous Waste Enforcement Training Fund, upon appropriation by the Legislature, to support hazardous waste and hazardous materials enforcement training.

These provisions would become operative only if SB 2424 is not enacted.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by creating a new crime concerning quarantine orders and by requiring local agencies which collect civil or criminal penalties to apportion the penalties in a specified manner.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch. 1059 (AB 2601) Harris. Stored vehicles: lien sales

(1) Existing law authorizes peace officers and designated public agency employees with respect to a highway or public or private property, and specified franchisees and contractors with respect to specified public property, to remove abandoned vehicles therefrom, as specified. If the vehicle removed is determined to have a value not exceeding \$100, the public agency which removed the vehicle is required to give notification to the Department of Justice and make a specified report to the lienholder. The public agency may give authorization for disposal if ownership cannot be determined.

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Unless objected to, as specified, after specified notice is given by certified mail, return receipt requested, the lienholder may dispose of the vehicle. If objected to, disposition may only be made pursuant to court order.

Existing law also provides, until January 1, 1988, for general procedures for lien sales of vehicles depending on whether the value is over \$1,000 or not, and after that date depending on whether the value is over \$300 or not.

This bill would require a public agency or the lienholder to follow a specified procedure for the disposal of an abandoned vehicle removed, or caused to be removed, by the public agency or the lienholder, with an estimated value of \$100 or less, thereby imposing a state-mandated local program. The bill would provide that disposal under the bill's procedure would only be to licensed dismantlers or scrap iron processors.

The bill would make other conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1060 (AB 1464) Harris. Local agencies: contracts: affirmative action.

(1) Existing law specifies the powers and duties of the State Department of Transportation.

This bill, in addition, would require the department to certify socially and economically disadvantaged business concerns, as defined. Under the bill, all state agencies would be required, and all local agencies would be permitted, to accept the certification completed by the department for any socially and economically disadvantaged business concern as valid status of that business when awarding contracts to those business concerns. The bill would prohibit state agencies from requiring the business to comply with any other certification process.

(2) Existing law generally requires local agencies, in awarding contracts for a project for which competitive bidding is required, to award the contract to the lowest responsible bidder. Statutory law contains no express authorization for a local agency to reject any bid on the basis of the bidder's failure to comply with applicable affirmative action programs.

This bill would authorize a local agency, including a chartered city, to require that a contract be awarded to the lowest responsible bidder who meets, or makes a good faith effort to meet, goals and requirements established by the local agency relating to participation in the contract by minority or women business enterprises, as defined. The bill would specify the criteria for determining whether a bidder has made a good faith effort to comply with those goals and requirements.

The bill would not apply to specified contracts or local agencies.

The bill would make various findings and declarations by the Legislature and would declare the Legislature's intent that these provisions shall be the exclusive procedure for determining whether bidders have made a good faith effort to comply with those goals and requirements.

These provisions of the bill would apply to projects for which public notice of an invitation to bid on a project is given on or after January 1, 1987.

Ch. 1061 (AB 2796) Stirling. Highways.

(1) Existing law does not require the Department of Transportation to use a specific type of freeway landscaping in order to conserve water.

This bill would require the department to discontinue further water intensive freeway landscaping and to use drought resistant landscaping whenever feasible in counties where over 80% of the water supply is imported, to use reclaimed water for irrigation purposes whenever possible, and to eliminate any dependency on imported water for landscaping as soon as practicable.

The bill would require the department to report to the Legislature on or before January 1, 1988, and every 3 years thereafter on the progress of the department in

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meeting the above requirement, including in the report specified information regarding landscaping projects.

(2) Existing law authorizes the department to construct a freeway in the County of San Diego without a freeway agreement on a route adopted by the California Transportation Commission under specified conditions, including a condition that the unconstructed portion of the route will be constructed within the 5-year period of the 1984 State Transportation Improvement Program (STIP). The department is required to meet and confer with affected counties and cities on the freeway design if it constructs a freeway on a route under these conditions.

This bill would instead require as a condition that the unconstructed portion of the route be constructed within the 5-year period of the 1987 STIP. The bill would also require the commission to solicit the affected county or city for its recommendations on a route location following the completion of the final environmental impact report or statement by the department and prior to adopting a route location pursuant to these provisions.

Ch 1062 (AB 216) McAlister. Unemployment insurance.

Existing law includes, as covered employment for unemployment compensation purposes, all service performed by an individual for any public entity, with specified exceptions.

Existing law provides that reimbursements to local public entities for state-mandated costs of providing unemployment insurance coverage for employees shall be made pursuant to the State Mandates Apportionments System, with specified exceptions.

This bill would require the Controller, when calculating a local agency's base year entitlement pursuant to the State Mandates Apportionments System, to consider local government costs for the 3 relevant years using benefit billings, and not billings paid, from the Employment Development Department, plus local administrative costs.

Existing law prohibits the Director of Employment Development from assessing or collecting any interest or penalties for nonpayment of billings for unemployment insurance sent to public entities on or after May 22, 1984, and before September 29, 1985.

This bill would instead prohibit the director from assessing or collecting any interest or penalties for nonpayment of billings for unemployment insurance sent to public entities on or after May 22, 1984, and before the effective date of this bill.

The bill would take effect immediately as an urgency statute.

Ch. 1063 (AB 4036) Filante. Health: older adults: medication.

Existing law provides for various health programs for the elderly.

This bill would create the Legislative Task Force on Medication Misuse to investigate and assess the effectiveness of privately and publicly funded medication education programs directed towards the elderly. The task force would consist of 8 members appointed by the Joint Rules Committee who would serve without compensation and would be required to provide for their own expenses. The task force would be required to report its findings and recommendations to the Legislature on or before June 1, 1988, and to design a model medication program and brochure.

The bill would terminate the task force on June 1, 1988.

Ch 1064 (AB 3172) Campbell. Contra Costa Water District: revenue bonds

Under existing law, county water districts are authorized to issue revenue bonds in accordance with the Revenue Bond Law of 1941.

This bill would, until January 1, 1997, authorize the Contra Costa Water District, which is organized as a county water district, to issue revenue bonds in accordance with the Revenue Bond Law of 1941, other than those provisions requiring voter approval, to finance the acquisition and construction of necessary water facilities. The bill would condition that authority upon approval by the voters of the district of a proposition, as prescribed, authorizing the district to so issue revenue bonds at a special election, called and conducted in accordance with prescribed procedures.

The bill would make legislative findings and declarations in this connection

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Ch. 1065 (AB 3659) Vasconcellos. California Commission to Promote Self-Esteem, and Personal and Social Responsibility.

Existing law establishes various programs to better the health and welfare of the people of this state.

This bill would make legislative findings and declarations as to the causal relationship between a sense of low self-esteem and many of the state's social problems.

The bill would create the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility. The commission would be composed of 25 members.

The bill would require the task force to perform a variety of duties aimed at assisting state and local governments and all Californians in improving programs for raising self-esteem, and thereby helping to reduce many of the social problems occurring in this state.

The bill would require the task force to report its progress to the Legislature on January 15, 1988, and 1989, and to file a final report with the Legislature on or before January 15, 1990. The task force would be required to publish at least 10,000 copies of its final report and distribute them as specified.

The bill would appropriate \$245,000 from the General Fund to the task force for purposes of implementing the bill. This appropriation would be reduced by amounts received by the task force from specified other sources in order to implement its functions.

This bill would become inoperative on July 1, 1990, and would be repealed as of January 1, 1991.

Ch. 1066 (AB 4131) Bates. Child care and development.

(1) Existing law requires that, notwithstanding any other provision of law, child development appropriations be available for expenditure for 3 years, except that funds remaining unencumbered at the end of the first fiscal year shall be unallocated.

This bill would specify that any of those funds remaining unencumbered at the end of the first fiscal year shall revert to the General Fund. The bill also would provide that specified child development appropriations shall be available for expenditure in the 1986-87 and 1987-88 fiscal years. This extension of the terms for which those existing appropriations are available constitutes an appropriation.

(2) The existing Child Care and Employment Act, among other things, requires local child care service delivery areas to use specified funds to meet certain costs of providing child care services to recipients of certain federally funded job training and placement programs. This act is repealed on December 31, 1986.

This bill would delete the termination date, thereby making the act permanent. Since this would extend beyond December 31, 1986, the requirement that the local agencies administering the child care and employment funds continue to administer these funds as specified, the bill would impose a state-mandated local program.

(3) Existing law limits administrative expenses by the local administering child care agencies to 10% of total costs.

This bill would increase this figure to 15%.

(4) Existing law provides for state subsidized child care and development services.

This bill would state the legislative finding that greater efficiencies may be achieved in the execution of state subsidized child care and development program contracts with public and private agencies.

The bill would require the Department of Finance and the Department of General Services to approve or disapprove annual contract provisions submitted by the State Department of Education not more than 30 working days from the date of submission, unless unresolved conflicts remain between the Department of Finance, the State Department of Education and the Department of General Services.

The bill would authorize the State Department of Education to execute a multiyear application process, as specified.

The bill would require the State Department of Education, in consultation with the Legislative Analyst and the Department of Finance, to issue a request for proposal to have an independent evaluation of the existing application and contracting procedure. The report would be required to be ~~presented to the Legislature~~ [completed]* by

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January 1, 1988 [June 1, 1987]*.

(5) Under existing law, the State Department of Education is required to make allowances to school food authorities for nutrition supplement programs for pregnant or lactating students. Current law requires pregnant or lactating students to submit a written statement from their physicians certifying that they are pregnant or lactating in order to qualify for nutrition program supplements.

This bill would allow specified options to fulfill the nutritional requirements and would require pregnant or lactating students to submit medical verification of pregnancy or lactating status. Those students would qualify for the supplements through the end of the school year during which they conclude their pregnancy or discontinue lactating.

(6) This bill would authorize allocation of an amount not to exceed \$50,000 from specified funds to the State Department of Education for administration of the program pursuant to the Child Care and Employment Act for the remainder of the 1986-87 fiscal year.

(7) This bill would require that an interagency agreement be executed between the State Department of Education and the Office of the Legislative Analyst, which would be required to provide for the transfer of \$50,000 from specified funds to the Office of the Legislative Analyst for the purpose of contracting for the evaluation of the program created by the Child Care and Employment Act and for the payment of any overhead costs associated with the supervision of the contract [The evaluation would be required to be presented to the Legislature by January 1, 1988.]*

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1067 (AB 4168) Bane Driving education

(1) Under existing law, the Department of Motor Vehicles licenses both traffic violator schools to which persons are referred by the courts, and traffic violator school operators, both of which are required to meet separate specified criteria and qualifications before a license will be issued to the school or the school operator. The department may, after notice and a hearing, revoke or suspend those licenses under specified circumstances.

This bill would include within the criteria required to be met by a traffic violator school, and impose a state-mandated local program by imposing that requirement on those schools operated by public agencies, that the school post, as specified, a notice stating generally that any person involved in offering or soliciting completion certificates which are not earned by attendance in, or successful completion of, the traffic violator school program may be guilty of a crime, as specified.

The bill would, for a person licensed on or after January 1, 1987, require that an additional qualification be met by that person for a traffic violator school operator's license, as specified.

The bill would, in addition, authorize the department, after notice and a hearing, to revoke or suspend the license of a traffic violator school if (a) the main office of a traffic violator school, except a public school, located in a county with a population over 400,000 is not open during the same hours of the day that the courts of that county are open for business, (b) the licensee is found to be selling completion certificates, or (c) the licensee is found to be intentionally cutting instructional time short. Because the office hour requirement would apply to schools operated by public agencies other than school districts, the bill would impose a state-mandated local program.

(2) Under existing law, the department is required to charge a fee not to exceed \$3 for each completion certificate issued by a traffic violator school to defray the actual

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specified costs of the department, and existing law prohibits a traffic violator school from charging a fee for a completion certificate or a duplicate thereof, in excess of the fee charged by the department.

This bill would authorize a traffic violator school to charge a fee not to exceed \$3, in addition to the fee charged by the department, for a duplicate certificate of completion and would require specified financial records used by the department to set fees for certificates of completion to be compiled and to be public records. The bill would require the fees for certificates of completion to be adjusted in odd-numbered years, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1068 (AB 375) Tucker. Cardiac catheterization laboratories.

Existing law provides for a health care pilot project, administered by the Office of Statewide Health Planning and Development, to test the safety and cost effectiveness of performing cardiac catheterization in freestanding cardiac catheterization laboratories, as defined. It permits the office to approve up to 5 freestanding cardiac catheterization laboratories, as defined, under the pilot program, establishes standards for the laboratories, as specified, and authorizes the office to suspend or withdraw approval of pilot projects utilizing a specified procedure.

This bill would increase the number of freestanding cardiac catheterization laboratories from 5 to 7 which the office may approve, and would prohibit the office from approving a project for the same primary market area, as determined by the office, as another project approved by the office as a cardiac catheterization laboratory pilot project.

The bill would also require the office and the State Department of Health Services to cooperate in a study to determine the appropriate Medi-Cal reimbursement rate to be paid to that type of laboratory.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1069 (AB 1617) Farr Schools: corporal punishment.

Under existing law, the governing board of any school district may adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils under specified circumstances.

This bill would repeal these existing provisions and instead prohibit the infliction of corporal punishment, as defined, upon a pupil by any person employed by or engaged in a public school.

Ch. 1070 (AB 4027) N Waters Child care and development

Under the Child Care and Development Act, the state subsidizes child day care for eligible persons.

Existing law requires the State Superintendent of Public Instruction to enter into contracts with public or private agencies for the delivery of extended day care services, as specified.

Existing law requires the superintendent to develop standards for implementation of cost-effective quality extended day care programs and specifies the factors to be considered as indicators of quality programs.

This bill, in addition, would provide that a qualified director, as specified, and noninstructional staff, including senior citizens, are indicators of quality programs. This bill would require that the director train these senior citizens to help care for children.

Ch. 1071 (AB 3980) Costa. Motor Vehicles: trip permit.

Existing law requires the Department of Motor Vehicles, upon payment of a fee, to issue a 5-day, one-trip permit that authorizes moving or operating, as part of one continuous trip, a laden, unregistered new or used trailer or semitrailer in this state

This bill would permit the manufacturer or dealer issued the permit to allow a third party to move or operate the vehicle.

The bill would prohibit the issuance of the permit more than once without the sale and registration of the trailer or semitrailer.

Ch. 1072 (AB 3829) Rogers. Birth certificates.

(1) Under existing law, the State Director of Health Services also serves as the State Registrar of Vital Statistics. The State Registrar and local registrars have the responsibility of registering and maintaining various records.

This bill would establish the State Vital Record Improvement Project Fund in the State Treasury. The moneys in the fund would be required to be utilized, upon appropriation by the Legislature, to improve and automate the processing of local vital record systems and vital records maintained by the State Registrar.

(2) Existing law requires the State Registrar, local registrar, county clerk, or county recorder, upon request and payment of a fee, to provide a certified copy of the record of any birth, fetal death, death, marriage, or marriage dissolution registered with that official. Existing law also requires that part of the fee for a birth certificate be allocated to either a county children's trust fund or to the State Children's Trust Fund for funding child abuse and neglect prevention and intervention programs.

This bill would require the State Registrar, upon payment of a specified fee, to provide a decorative heirloom birth certificate designed by the State Department of Health Services with a portion of the fee to be used for the reimbursement of specified administrative costs and the remainder of the fee, in a specified amount, to be allocated to the State Children's Trust Fund, thus creating a continuous appropriation to that fund.

The bill would permit this fee to be adjusted annually, as specified.

The bill would also require an applicant for a certified copy of certain records, between January 1, 1987, and January 1, 1989, to pay an additional fee which would be collected by the appropriate officials and transmitted to the State Registrar for deposit in the State Vital Record Improvement Project Fund described in paragraph (1) above. Requiring these officials to collect and transmit this fee would impose a state-mandated local program. In addition, the imposition of this fee for transfer to that fund would result in an increase in state revenues and would, therefore, constitute a change in a state tax pursuant to Article XIII A of the California Constitution which requires a $\frac{2}{3}$ vote of each house of the Legislature.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1073 (AB 3943) Agnos. Health facilities: skilled nursing or intermediate care.

Under existing law, there is no prohibition against a skilled nursing facility or intermediate care facility requiring or soliciting, as a condition of admission, that a Medi-Cal beneficiary have a responsible party sign or cosign the admissions agreement, and there is no prohibition against such a facility accepting or receiving such a signature as a condition of admission.

This bill would enact these provisions but would authorize a facility to require, as a condition of admission, where a patient has an agent, that the agent sign or cosign the admissions agreement and agree to distribute to the facility the share of costs which the patient or the patient's agent has agreed to pay, and would limit the financial obligation of the agent.

The bill would require the facility to return any security deposit paid by a patient or on a patient's behalf as a condition of admission when the patient converts from non-Medi-Cal status to Medi-Cal coverage, and would specify that, at that time, the obligations and responsibilities of the patient or responsible party shall be null and void.

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This bill would also prohibit those facilities from requiring a security deposit from a Medi-Cal beneficiary who applies for admission to the facility.

The bill would impose a state-mandated local program because it would apply to any local agency operating these facilities and because a violation of these provisions would be made a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1074 (AB 2894) Vicencia Child abuse and neglect. federal fund allocations

Existing law provides that a county board of supervisors may designate an existing voluntary local commission, board, or council for the purpose of establishing child abuse and neglect prevention and intervention programs, and that if such a commission is designated, the county clerk shall deposit the money from birth certificate fees in a county children's trust fund.

Existing law also provides that the county children's trust fund shall include gifts, grants, and bequests from private sources usable for child abuse services, as well as funds appropriated for this purpose by the Legislature or local entities.

This bill would specify that any federal child abuse prevention funds shall be allocated to counties to establish a minimum funding level in each county children's trust fund, or in the case of counties without such a fund, the State Children's Trust Fund.

The bill would specify that each county board of supervisors may accept and prioritize proposals and make the final decision as to which programs shall receive funds.

Ch. 1075 (AB 1362) Konnyu. Public assistance.

Existing law provides that qualified needy families are required to be paid an amount of aid each month, which, when added to family income, is equal to a specified sum based on family size.

This bill would require the State Department of Social Services to implement a system to provide for supplemental payments to qualified needy families in an amount necessary to raise the family's net countable income in the payment month to 80% of the amount of assistance the family would have otherwise received, when, because of a reported change in financial circumstances occurring between a "budget month" and a "payment month," the family receives less than 80% of what it would otherwise be entitled to.

Under existing law, county funds are required to be expended for the support and maintenance of needy children and families, and county welfare departments administer the provisions of law relating to Aid to Families with Dependent Children. This bill would constitute a state-mandated local program by increasing the administrative responsibilities of the county welfare departments and by requiring the department to inform families of the availability of supplemental funds and of the necessity to request the payments in order for them to be provided for those months in which the family is eligible for the supplements.

These requirements would become operative on the 1st day of the month which occurs immediately after the 90th day after the effective date of this act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

This bill would appropriate \$2,897,000 from the General Fund to the State Department of Social Services for local assistance, as specified.

This bill would declare that its provisions would become operative only upon dismissal of a specified court case and the award of attorneys fees, and would require the State Department of Social Services to report to the Legislature on the occurrence or nonoccurrence of these circumstances.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1076 (AB 4251) Farr Postsecondary education.

Existing law establishes within the Department of Education a Council for Private Postsecondary Educational Institutions consisting of 15 members, including 3 members appointed, respectively, by the Superintendent of Public Instruction, the Senate Rules Committee, and the Speaker of the Assembly and who are the administrative heads of nonaccredited, nondegree granting schools operating pursuant to specified authority.

This bill would delete the member appointed by the Senate Rules Committee and instead would provide that that member shall be the administrative head of an accredited out-of-state postsecondary educational institution operating in California pursuant to specified authority. This bill would also revise one appointment of the Senate Rules Committee to include a representative of a nondegree granting school operating pursuant to specified authority.

This bill would express the Legislature's intent that the current members of the council shall serve their full term and that the appointment of the representative of the accredited out-of-state postsecondary educational institution be made immediately.

Existing law specifies alternative requirements that a private postsecondary educational institution must meet before it may issue degrees in California. Existing law authorizes an institution incorporated in another state to issue degrees, diplomas, or certificates if it is accredited by a recognized association and licensed by the superintendent

This bill would specifically extend the application of those provisions to any accredited public or private postsecondary educational institution incorporated in another state. This bill would prohibit accredited public or private postsecondary educational institutions, incorporated in another state, from offering degrees, diplomas, or certificates in California absent compliance with Section 94310.

Existing law establishes a 4-year licensure period for out-of-state postsecondary educational institutions.

This bill would authorize a licensure period consistent with the institution's home regional accrediting association, but not to exceed 5 years

This bill would express the Legislature's intent that the state's licensure process be conducted whenever possible in concert with the institutional review by the regional association.

Existing law requires the State Department of Education, prior to December 31, 1987, to utilize the standards and procedures recommended by a special committee and acted upon by the California Postsecondary Education Commission to review all accredited out-of-state postsecondary educational institutions operating pursuant to specified authority.

This bill instead would require that prior to July 1, 1987, the State Department of Education utilize all of the standards and procedures recommended by the special committee and acted upon by the California Postsecondary Education Commission to develop regulations for the licensure of all accredited public and private postsecondary educational institutions incorporated out of state, and operating pursuant to specified authority. This bill also would require that the regulations be developed by the State Department of Education in cooperation with the Council for Private Postsecondary Educational Institutions and to include a formula to determine the institutional licensure fee and the number of sites to be visited. This bill also would specify certain items to be contained in the regulations.

This bill would declare the intent of the Legislature if this bill is enacted and amends Section 94310 of the Education Code and AB 1989 is chaptered before this bill and repeals that section.

Ch 1077 (AB 2734) Elder. Public employee benefits

(1) Existing law requires any school district, community college district, or county superintendent of schools which provides health and welfare benefits or dental care benefits for its certificated employees to permit enrollment in the benefit plan by any former certificated employee who retired therefrom under any public retirement sys-

tem and his or her spouse and by any surviving spouse of any former certificated employee who retired therefrom under any public retirement system. Existing law also authorizes districts and county superintendents of schools to develop an experience claims rating therefor, to require those persons, if appropriate, to pay different rates as a class, and to require those persons to pay all the related costs, as specified.

This bill would require those entities to permit any surviving spouse of a former certificated employee thereof who, was, at the time of death, both employed thereby in a position requiring contributions to State Teachers' Retirement System (STRS) and a member of the STRS to enroll in the benefit plan. The resulting costs of this requirement would constitute a state-reimbursable state-mandated local program cost. Neither the new spouse, upon the remarriage of a surviving spouse of a former certificated employee, or the children of a certificated or former certificated employee would be authorized to enroll in the benefit plan. This bill would also require any plan to provide separate single and two-party rates for at least the following classes: for those under 65, for those who have Medicare A and B, and for those over 65 who do not have Medicare A, the resulting costs of this requirement would constitute a state-reimbursable state-mandated local program cost.

(2) Existing law defines an employee, an annuitant, and a contracting agency for purposes of the Public Employees' Medical and Hospital Care Act. Under the act an employee or annuitant of a contracting agency may enroll in a health benefits plan for which the Board of Administration of the Public Employees' Retirement System has contracted. A contracting agency is defined to include a contracting agency under the Public Employees' Retirement System, and any county subject to the County Employees Retirement Law of 1937, among others.

This bill, for the purposes of the act, would define a contracting agency as including any special district and any special district which is subject to the County Employees Retirement Law of 1937, and as including any public body or agency of, or within, California not covered by the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 which provides a retirement system for its employees funded wholly or in part by public funds.

This bill would define an employee and an annuitant to include an employee or annuitant of a public agency as defined by this bill.

(3) Existing law does not expressly permit legislative employees to elect to receive benefits in lieu of a portion of the compensation provided to those employees.

This bill would permit a legislative employee to elect to receive one or more benefits, as prescribed by concurrent resolution, in lieu of a portion of the compensation provided to the employee.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by item (1) above of this bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1078 (AB 3343) Ferguson. Vehicles.

(1) Under the existing Mobilehome-Manufactured Housing Act of 1980, the Department of Housing and Community Development is required to supervise various laws pertaining to manufactured housing, mobilehomes, recreational vehicles, special purpose commercial coaches, and commercial coaches. The existing Mobilehome Parks Act regulates mobilehome parks. The Recreational Vehicle Park Occupancy Law also regulates recreational vehicles.

This bill would include park trailers, as defined, within the Mobilehome-Manufactured Housing Act of 1980 for purposes of some of those laws and under the Mobilehome Parks Act and the Recreational Vehicle Park Occupancy Law. Since an existing statute would make violation of some of these new provisions a misdemeanor, the bill would impose a state-mandated local program by creating new crimes. The bill would also provide

under the Mobilehome-Manufactured Housing Act of 1980 that no recreational vehicle shall be equipped with more than one electrical power supply cord.

(2) Under the existing Vehicle Code, various types of vehicles are subject to registration and are required to be moved only under a permit, as specified, and vehicles of a type subject to registration under the Vehicle Code are also subject to taxation under the Vehicle License Fee Law.

This bill would subject park trailers to registration and require that park trailers have affixed a unique identification number issued by the Department of Motor Vehicles, except when moved by a vehicle manufacturer under manufacturer's license plates, as specified. Changes in state taxes enacted for the purpose of increasing revenue are required to be enacted by not less than a $\frac{2}{3}$ vote of all members elected to each of the 2 houses of the Legislature. Revenues derived under the Vehicle License Fee Law are continuously appropriated. By increasing the amount of the existing appropriation, this bill also would make an appropriation.

The bill would prohibit permits to be issued for movement of park trailers, except to transporters and licensed manufacturers and dealers, the safe operation of which is required to be regulated by the Department of the California Highway Patrol.

Since an existing statute makes violation of these provisions relating to registration of park trailers a crime, the bill would impose a state-mandated local program.

(3) Under existing law, specified acts by licensed dealers are prohibited.

This bill would impose a state-mandated local program by also making it a crime for a dealer not to make specified disclosures in writing to the purchaser of a park trailer.

The bill would make conforming changes.

(4) [AB 3559, which was enacted as Chapter 343 of the Statutes of 1986, amends Section 34500 of the Vehicle Code to exclude camp trailers, trailer coaches, and utility trailers, when used in combination with specified regulated vehicles, from the regulation of the Department of the California Highway Patrol]*

The [This]* bill would incorporate the change [changes]* made in Section 34500 of the Vehicle Code [the section]* by AB 3559 (Ch. 343, Stats. 1986). [, and would also exclude camp trailers, trailer coaches, and utility trailers from regulation by the Department of the Highway Patrol even though they are not used in combination with those specified regulated vehicles.]*

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The bill would appropriate \$40,000 from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for purposes of the bill.

(7) The bill would declare that it is to take effect immediately as an urgency statute although the operation of specified portions of the bill would be delayed until January 1, 1987

Ch. 1079 (AB 4336) Mojonnier. Public resources ocean planning.

Under existing law, the State Lands Commission is required, with certain exceptions, to deposit tidelands revenues, moneys, and remittances in the State Treasury, and to allocate the funds to specified obligations in a specified order, including for matching funds for projects under the National Sea Grant College and Program Act of 1966. These provisions create a sea grant program advisory panel to the Secretary of the Resources Agency with specified composition and responsibilities.

This bill would revise those allocations by increasing the amounts allocated to the Resources Agency for sea grant matching funds from \$500,000 to \$525,000 annually for the 1986-87, 1987-88, and 1988-89 fiscal years, thereby making an appropriation. The bill would require the secretary to appoint specified additional members to the advisory panel to serve until January 1, 1989.

The bill would require the secretary to initiate a comprehensive, long-range planning process for use of offshore ocean waters and would authorize the secretary to utilize the advisory panel as the planning committee and the California Sea Grant Program to

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promote sound scientific data analysis and assessment in the planning process.

The bill would make legislative findings and declarations.

Ch. 1080 (AB 3893) Hannigan. Public contracts.

Existing law requires state and local agencies to purchase recycled paper whenever fitness and quality are equal to unrecycled paper and the cost does not exceed that of unrecycled paper.

Existing law defines recycled paper as a paper product with not less than 50% of its total weight consisting of secondary and postconsumer waste, with not less than 10% of its total weight consisting of postconsumer waste. Postconsumer waste is defined as material meeting specified conditions which would normally be disposed of at a disposal site located in California. Secondary waste is defined as products or fragments of products of a manufacturing process located in California and which meet specified conditions.

This bill would modify these definitions by eliminating the requirement that postconsumer waste be normally disposed of at a disposal site in California, and that secondary waste be the product or fragment of a product of a manufacturing process located in California.

Existing law requires state agencies, and permits local agencies, to give to suppliers of recycled paper a preference of 5% of the lowest bid or price quoted by suppliers of nonrecycled paper products. The preference is, however, limited to \$50,000.

This bill would instead provide for a 15% maximum preference, except that the preference would be limited to \$50,000 under circumstances where awarding a greater preference would preclude a small business offering nonrecycled paper products from receiving a contract.

The bill would provide that in bids in which the state has reserved the right to make multiple awards, the recycled paper preference cost shall be applied, to the extent possible, so as to maximize the dollar participation of firms offering recycled paper in the contract award.

Existing law provides that a recycled paper bidder preference shall not be granted if in so doing a small business which has qualified pursuant to the Small Business Procurement and Contract Act would be deprived of the contract award, regardless of whether the small business is the lowest responsible bidder or is eligible for a contract award on the basis of application of the small business preference; and, in those instances where a bidder is eligible for both the small business and recycled paper preferences, the small business preference only shall be applied. Further, for purposes of a contract award, the 5% recycled paper preference may not be cumulated with any other preference for which a bidder may be eligible.

Also, existing provisions of the Target Area Contract Preference Act and the Employment and Economic Incentive Act each restrict to the lesser of 15% or \$50,000 the preference which may be allowed under certain circumstances on a state contract for goods in excess of \$100,000.

This bill would permit the recycled preference to be accumulated with either the small business preference, or the preferences allowed under the Target Area Contract Preference Act or the Employment and Economic Incentive Act, but would specify that the total preference may not exceed \$100,000. It would also amend the provisions of the Target Area Contract Preference Act, the Employment and Economic Security Act, as well as the small business preference provisions, to specify that any total combined preference may not exceed \$100,000.

The bill would also permit the recycled paper preference to be applied, subject to the \$50,000 limitation, to a nonsmall business even when that application would preclude a small business bidder from receiving the contract.

Ch. 1081 (AB 4327) M. Waters. Education: pregnant minors.

Existing law requires the Superintendent of Public Instruction to adopt rules and regulations for the effective administration of pregnant minor programs operated by a county superintendent of schools or a school district.

This bill would require the State Department of Education to prepare and distribute

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to school districts comprehensive educational materials for the prevention of teen pregnancy, and to assist interested school districts or county offices of education in developing comprehensive programs, as specified, for this purpose.

This bill would direct the department to seek specified assistance from federal and private sources for this purpose. It would also state that the provisions enacted by the bill shall not authorize or require activities which involve the distribution of materials on pregnancy termination.

Ch. 1082 (AB 3077) Felando. In-home supportive services.

Existing law requires the Office of Statewide Health Planning and Development to conduct various studies relating to health.

This bill would require the office to conduct a study of short-term in-home supportive services for older persons, and to report to the Legislature its findings and recommendations by November 15, 1987.

Ch. 1083 (SB 2199) Marks. Historical resources.

Under existing law, the State Historical Resources Commission has enumerated duties with respect to the evaluation and recommendation of historic landmarks and resources, including the development of criteria and procedures for a California Register of Historical Resources. The State Office of Historic Preservation under the direction of the State Historic Preservation Officer is required to serve as staff to the commission and to make recommendations to the commission regarding sites and resources of historical significance, administer historical resource preservation programs, and assist other state agencies by providing information and education on historical resources as specified. Also under existing law, the State Lands Commission is required to administer and control state lands, and has exclusive jurisdiction to administer and control all tidelands and submerged lands owned by the state, and of beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, as specified.

This bill would authorize the State Historical Resources Commission to adopt guidelines for the review of applications for excavation and salvage permits for waters under the jurisdiction of the State Lands Commission, as specified. The State Lands Commission would be authorized to issue to persons or organizations as specified, excavation and salvage permits based upon specified criteria that the State Lands Commission would be authorized to adopt, for excavation and salvage of sites or resources determined to be of historical or archaeological significance. The State Lands Commission would be required to forward all applications for excavation and salvage permits in state waters for historical resources 50 years and older to the State Office of Historic Preservation for review and recommendations.

The bill would authorize the State Lands Commission to revoke the permits for noncompliance with provisions of law or adopted rules and regulations on its own motion, or upon the recommendation of the State Office of Historic Preservation which is also required to review those applications and assist the commission.

The bill would make legislative findings and declarations.

Ch 1084 (SB 2111) McCorquodale. Health facilities skilled nursing or intermediate care facility: reporting.

(1) Existing law requires the Office of Statewide Health Planning and Development to set for, charge to, and collect from all health facilities a special fee of not more than 0.035% of the health facility's gross operating cost for provision of health care services for its last fiscal year. The fee is required to be established to produce revenue equal to the appropriation to pay for prescribed health planning costs.

This bill would exempt health facilities owned and operated by the state from this fee.

(2) Existing law requires a certificate of need to be issued by the Office of Statewide Health Planning and Development in certain instances, including the construction of a new health facility, to increase the bed capacity in an existing health facility, to convert an existing health facility from one license category to another or to convert existing bed classifications in a specified manner. On or after January 1, 1987, existing law provides that this requirement will be indefinitely suspended.

Existing law also provides for the licensure and regulation of health facilities, as defined, including skilled nursing facilities and intermediate care facilities, by the State Department of Health Services. Existing law generally provides that a violation of these provisions is a misdemeanor.

This bill would require any person, as defined, who proposes to (a) construct a new skilled nursing facility, as defined, or intermediate care facility, as defined, (b) increase the bed capacity in one of these facilities, (c) convert an existing skilled nursing facility or intermediate care facility from one license category to another, or (d) convert one of these facility's existing beds in one bed classification to a different bed classification, to give written notice to the office, as specified. Violation of this requirement would be a misdemeanor. The creation of a new crime imposes a state-mandated local program. To the extent its requirements would apply to local publicly operated facilities, it would impose a state-mandated local program. It would require the office to maintain an index of these notices and to make the contents thereof available to the public.

It would, in certain instances, prohibit the department from granting any license or change in licensure associated with any of the proposals described in (a) to (d), inclusive, unless the reporting requirements, described above, are satisfied. It would prohibit the office from issuing a building permit for construction or alteration in connection with any of these proposals pursuant to the Hospital Seismic Safety Act of 1982, until certain notice requirements have been satisfied.

This bill would permit the department to adopt regulations to implement these provisions.

(3) Existing law requires payment of a fee for hospital building projects with an estimated construction cost over \$25,000 at a rate established by the Office of Statewide Health Planning and Development. If the actual construction cost exceeds the estimated construction cost by more than 5%, existing law requires a further fee be paid to the office, based in a prescribed schedule and computed on the amount by which the actual cost exceeds the amount of the estimated cost. These fees are paid into a continuously appropriated fund.

This bill would require, if the estimated construction cost exceeds the actual construction cost by more than 5%, that the office refund the excess portion of any fee paid, based on the prescribed schedule and computed on the amount by which the estimated cost exceeds the amount of the actual cost. This would constitute an appropriation since it would expressly make moneys in the continuously appropriated fund available for a new purpose. The bill would also require the office to adopt regulations specifying circumstances in which the office would be required to refund to an applicant all or part of any paid fees, including refunds or prescribed paid fees.

It would provide that the costs incurred by the office pursuant to its provisions, as described in (2), be paid, when appropriated by the Legislature, from the California Health Data and Planning Fund.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1085 (SB 2506) B Greene. In-home supportive services.

Under existing law, in-home supportive services are provided to aged, blind, or disabled persons, who are unable to perform the services themselves, and who cannot safely remain in their homes or abodes of their own choosing unless the services are provided.

Under existing law, a county may contract with certain entities for the provision of those services.

This bill would authorize counties to take certain factors into consideration in evaluating bidders for those contracts.

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Ch. 1086 (SB 2470) Ayala. Long-term health care facilities.

Existing law authorizes the State Department of Health Services to license, investigate, and inspect long-term health care facilities, as defined.

Upon inspection or investigation the department may issue a citation, as specified, for violation of statutes or rules relating to operation or maintenance of the facility.

Pursuant to existing law, if the facility operator desires to challenge the citation, he or she may appeal the citation to the director or may request a citation review. Existing law specifies that the person designated by the director to conduct the citation review conference shall not be an employee of the department regularly assigned to the district licensing office from which the citation originated, specifies who may attend and participate in the conference, and specifies how notice of the hearing and right to participate is to be given to the complainant, affected resident, or their designated representatives.

This bill would, instead, require the director or the director's designee to establish an independent unit of trained citation review conference hearing officers within the department to conduct the citation review conference. It would provide that the citation review conference hearing officers are directly responsible to the deputy director for the division of licensing and certification. It would require specified training for the persons of the independent unit

Ch. 1087 (SB 1614) B. Greene. Job tax credits.

Existing provisions of the California Personal Income Tax Law and the Bank and Corporation Tax Law authorized, until December 31, 1985, a credit for the employment of certain individuals by the taxpayer equal to a specified percentage of the wages, as specified, paid to those individuals during the first 2 years of their employment. The covered individuals include individuals certified by the Employment Development Department as members of defined eligible categories.

This bill would extend the operation of the credit until December 31, 1989, but would restrict the application of the credit to the hiring of individuals who are certified as registrants under the Greater Avenues of Independence Act of 1985. This bill would also make certain technical, clarifying changes.

Existing law requires the department to administer certain provisions of the credit.

This bill would continue the department's administrative duties in connection with the credit, but would permit the department to delegate to the State Department of Social Services its responsibilities regarding the certification of individuals whose hiring qualifies for the tax credit.

This bill would take effect immediately as a tax levy.

Ch. 1088 (SB 846) Lockyer. Ferry boats.

(1) Existing law prohibits any ferry from operating within 10 miles of any toll bridge as long as any of the bonds issued to finance construction or modification of the bridge are outstanding and unpaid with specified exceptions, including any ferry authorized or permitted by the California Transportation Commission to be operated and maintained across San Francisco Bay between San Francisco and Alameda or across San Diego Bay, or ferry across San Francisco Bay in the vicinity of the San Francisco-Oakland Bay Bridge established and operated by the commission or the Department of Transportation and with the approval of the Metropolitan Transportation Commission.

This bill would delete all of the above-stated exemptions from the prohibition on ferry crossings except for the exemption for ferries crossing San Diego Bay and would exclude vessels operated by common carriers providing transportation service subject to the jurisdiction of the Public Utilities Commission from the prohibition. The bill would also remove toll ferries operated by common carriers providing transportation service subject to the jurisdiction of the commission from jurisdiction of the Department of Transportation.

(2) Under existing law, the Metropolitan Transportation Commission may allocate funds derived from toll bridge revenues to public entities and to the Department of Transportation for the establishment and operation of ferry systems within the region under the commission's jurisdiction

This bill would prohibit the commission from approving the use of toll bridge revenues

to subsidize the establishment or operation of a ferry system operated by a common carrier providing transportation service subject to the jurisdiction of the Public Utilities Commission.

Ch. 1089 (SB 918) Watson. Child support enforcement.

Under existing law, the district attorney is required to provide spousal and child support enforcement services to all individuals, regardless of whether or not they are recipients of public social services.

This bill would require the State Department of Social Services to design and develop a booklet describing the proper procedures and processes for the collection and payment of child and spousal support, and to verify the appropriateness and accuracy of the contents of the booklet with representatives of specified organizations.

This bill would also require the department to expand the information provided under its toll-free information hotline in response to inquiries into the process and procedures for collection of child support, and to provide specified information to callers. This bill would require county welfare departments to distribute the booklets on support collection, and would thus contain a state-mandated local program.

Under existing law, whenever a family which has been receiving Aid to Families with Dependent Children ceases to receive assistance, the district attorney is required to continue to enforce support payments from the noncustodial parent for a period not to exceed 3 months, and to continue enforcement of those support payments thereafter if the individual on whose behalf the enforcement efforts will be made requests the district attorney to do so in writing.

This bill would create a state-mandated local program by requiring the district attorney to continue enforcement of support payments after a family ceases to receive AFDC assistance until the individual on whose behalf the enforcement efforts are made requests, in writing, that the enforcement services be discontinued.

Existing law provides that categorically needy persons are eligible for medical benefits under the Medi-Cal program.

This bill would provide that eligibility for health care services under Medi-Cal shall continue for 4 months beginning with the month in which a family becomes ineligible for benefits under the Aid to Families with Dependent Children program, if, among other things, the ineligibility is due wholly or partly to the collection or increased collection of child or spousal support.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would also take effect immediately as an urgency statute.

Ch 1090 (SB 1885) Hart. Hazardous materials: health effects: exposure reports

(1) Existing law requires the Secretary of the Environmental Affairs Agency to identify the information that should be collected to assess the threat to public health posed by hazardous materials.

This bill would require that all studies and community information programs conducted pursuant to the bill be done only if the county is authorized to impose a specified license tax on hazardous waste facilities or if funds are available without restructuring the State Department of Health Service's funding priorities. The bill would require the department, in conjunction with local health officers, to conduct or contract for epidemiological studies on the health effects of exposure to hazardous materials, as defined, and would authorize these studies to be conducted in specified areas of the state. The department would be required to determine which epidemiological studies are to be conducted based on the potential for public exposure to these hazardous materials. Studies in areas near Class I hazardous waste disposal facilities would be given the

highest priority for funding. Local health officers would be authorized to enter into a contract to produce the studies. Prior to its initiation, the design and methodology of the studies would be reviewed and approved by the department. The department would also be required to conduct or contract for the establishment of a community information program, in conjunction with local health officers, in any county in which a hazardous waste disposal facility is located.

The bill would require the department to fund studies and programs conducted in counties containing hazardous substance release sites, as specified, from the Hazardous Substance Account, upon appropriation by the Legislature, and would require the department to fund all other studies and community information programs conducted pursuant to the bill from the Hazardous Waste Control Account, upon appropriation by the Legislature, except as specified.

The bill would allow the department to require a county authorized to impose a license tax on a hazardous waste facility to provide funds to carry out the studies and the community information program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by authorizing the department to require specified counties to provide funds for the studies and programs mandated by the bill.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1091 (SB 1071) Lockyer. Marital property.

Existing law provides, with certain exceptions, that either spouse has the management and control of community personal property with like absolute power of disposition other than testamentary as the spouse has of his or her separate estate. With respect to community real property, generally, either spouse has management and control but both spouses must join in executing any instrument by which the community property is leased for more than one year or is sold, conveyed, or encumbered.

This bill, operative July 1, 1987, would revise the law relating to management and control of community property, to, among other things, provide that a spouse operating or managing a business or an interest in a business which is all or substantially all community property has the primary, rather than the sole, management and control of that business or interest, except as specified; provide that a spouse has a claim against the other spouse for a breach of a fiduciary duty, as specified; and authorize a spouse to petition the superior court for an accounting or other equitable relief, as specified.

The bill would also state legislative intent.

Ch. 1092 (SB 403) Dills. Dentistry.

Existing law provides for a 13-member Board of Dental Examiners, consisting of 8 dentists, one dental hygienist, and 4 public members.

This bill would increase the membership of the board by adding one registered dental assistant to be appointed by the Governor on or after January 1, 1987. The initial term of the dental assistant member would expire on January 1, 1991. The bill would make conforming changes.

The bill would require the board to be organized into standing committees dealing with examinations, enforcement, auxiliary matters, and other subjects as the board deems appropriate.

Ch. 1093 (SB 1620) Hart. Life care contracts.

Existing law requires any organization or person who receives property from an aged person in exchange for an agreement to furnish care for a period of over one year or for life to be licensed as a health facility or a community care facility and to obtain a certificate of authority from the State Department of Social Services to enter into or perform life care contracts.

This bill would, instead, require that any provider who promises to provide care for

life or for more than one year in return for a transfer of consideration from, or on behalf of, a person 60 years of age or older first receive written licenses as a health facility or a residential care facility for the elderly and also obtain a certificate of authority from the department. The bill would provide that any person who has obtained specified licenses and a certificate of authority and who promises to provide care for life or for more than one year in return for a transfer of consideration from or on behalf of, a person 60 years of age or older, are exempt from provisions of law concerning health care service plans. The bill would exempt health care service plans and specified insurance programs which promise to provide care from the requirement of obtaining the certificate of authority. The bill would redefine the terms "life care contract" and "provider," and would define and redefine related terms.

This bill would state findings and declarations of the Legislature that safeguards are necessary to protect elderly persons from selling or mortgaging their homes or transferring substantial cash or other consideration in anticipation of the construction, licensure, and operation of facilities promising to offer life care and would specify those safeguards.

Existing law requires that an individual or corporation planning to construct a life care facility using deposits from potential residents and having a permit to sell deposit subscriptions maintain deposits with an escrow agent until the project is at least 50% completed and at least 50% subscribed to.

This bill would, instead, prohibit a provider who proposes to promise to provide care from receiving money or other consideration except for a processing fee unless the provider has received the permit to sell deposit subscriptions. The bill would require all moneys or other consideration to be placed in an escrow account, would prohibit moneys or other consideration being placed in escrow from being encumbered or used as collateral for any obligation of the provider or any other person unless the encumbrance or use as collateral is subordinate to prescribed rights of depositors, and would specify the conditions for the release or refund of moneys in the escrow account. The bill would impose other restrictions on the handling of these funds.

The bill would require that, before obtaining a permit to sell deposit subscriptions or a certificate of authority, each provider submit to the department a financial and marketing plan, and would vest in the department specified authority to cancel a permit to sell deposit subscriptions or to take other prescribed actions. In addition, the bill would require that a provider, before obtaining a permit to sell deposit subscriptions, also submit documentation evidencing preliminary approval for licensure, as prescribed.

This bill would provide that a certificate of authority shall not be issued to a provider unless the department determines that certain requirements relating to construction, licensing, and fiscal factors have been met. The bill would, however, require the department to issue a provisional certificate of authority, in order to permit a provider to enter into life care contracts. The bill would also require the department to establish a fee schedule for life care providers, as specified.

Existing law makes it a misdemeanor to enter into, or assist in maintaining or entering into, any agreement for the transfer of property conditioned upon an agreement to furnish life care without first having secured a certificate of authority.

This bill would, instead, make it a misdemeanor for any provider who promises or proposes to promise to enter into a life care contract or to provide care for life or more than one year in return for a transfer of consideration or on behalf of a person 60 years of age or older without having first secured a certificate of authority or without placing the moneys or other consideration in escrow. These new crimes would constitute a state-mandated local program.

Existing law abolished the Life Care Contract Advisory Board in the State Department of Social Services and provides that the Committee on Life Care Contracts of the State Social Services Advisory Board shall act in an advisory capacity to the department on life care contracts.

This bill would increase the number of members of the committee by 2, as specified, and would require the committee to make available consumer information on the selection and necessary contract protections in the purchase of life care contracts and to review new applications regarding financial, actuarial, and marketing feasibility as

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requested by the department. The bill would also require the committee, upon request, to provide advice to the department regarding the feasibility of new facilities and would change the qualifications of certain members of the committee.

The bill would also provide for specified injunctive relief against violations of the laws relating to life care contracts.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1094 (SB 2218) Seymour. AFDC-FC.

Existing law requires reimbursement of group homes under the AFDC-FC program to be based on actual allowable costs.

This bill would require the State Department of Social Services to undertake studies of the foster care and group home ratesetting process, to include specified factors in the studies, and to report the results of the group home study to the Legislature by March 1, 1987, and the results of the foster family home study by January 1, 1988. The bill would prohibit the department from implementing any new ratesetting system for group homes until at least 60 days following the submission of the group home study to both houses of the Legislature.

Existing law requires any state agency proposing to adopt or amend any administrative regulation, if it determines that the action would have a significant adverse economic impact on small business, as defined, to take various specified actions, and prescribe the various matters which are required to be included in the rulemaking file of a state administrative agency.

This bill would specify that group homes shall be deemed to be small businesses and would require the State Department of Social Services to project the impact on group homes of any new regulations which would affect those group homes.

Ch. 1095 (SB 1645) Montoya. Boxing and wrestling.

Existing law provides for the regulation of boxing and wrestling and related contests and matches by the State Athletic Commission which consists of 8 members, 6 of whom are appointed by the Governor and one each by the Senate Rules Committee and the Speaker of the Assembly.

This bill would (1) require the operator of a gymnasium to inspect the license or sparring permit of any individual who wishes to use the gymnasium for sparring or boxing prior to allowing use of his or her gymnasium for sparring or boxing, (2) create within the jurisdiction of the State Athletic Commission an Advisory Committee on Medical and Safety Standards, as specified, (3) authorize the commission to pay travel expenses and per diem to physicians and surgeons it may call to study and recommend medical and safety standards for boxing, wrestling, and martial arts contests, (4) provide that the payment for neurological examinations may be assessed to the bond of a promoter in the event of nonpayment, (5) authorize a referee to render a decision at the end of a boxing contest if authorized by a representative of the commission rather than requiring the referee to render a decision, (6) establish an application and renewal fee of \$50 for a license to promote or conduct amateur boxing contests, (7) establish an application and renewal fee of \$60 for a wrestling referee's or judge's license, (8) exempt neurological assessments from the gross receipts of a promoter for purposes of a gross receipts tax to be paid to the commission, (9) require the commission to submit a report, annually, to the Senate Committee on Business and Professions and the Assembly Committee on Governmental Organization relating to the collection of neurological examination assessments, (10) make it a misdemeanor to attempt to hold, or to aid and abet the holding of, any contest, match, or exhibition without a license, and (11) make other technical, nonsubstantive changes.

The bill would impose a state-mandated local program by adding new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish proce-

dures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1096 (SB 2153) Marks. Spousal support: payments for education or training.

Existing law provides that in any judgment decreeing the dissolution of a marriage or a legal separation of the parties, the court, after considering specified circumstances of the respective parties, may order a party to pay for the support of the other party any amount, and for any period of time, as the court may deem just and reasonable. Existing law provides that one of the circumstances to be considered by the court is the earning capacity of each spouse, taking into account specified factors

This bill would provide that in considering the earning capacity of each spouse, the court shall take into account various factors with respect to the marketable skills of the supported spouse.

Ch. 1097 (SB 2548) Dills. Polygraph examiners.

Existing law provides for the licensing and regulation of polygraph examiners by the Board of Polygraph Examiners. Existing law authorizes any board within the Department of Consumer Affairs to seek injunctive relief whenever a person is engaged in any act which constitutes a violation of the Business and Professions Code. The law does not authorize the Board of Polygraph Examiners to assess a fine for any violation of the Polygraph Examiners Act

This bill would provide that a license issued by the board shall be valid for one year rather than 2 years, would authorize the renewal of an intern license 3 times rather than once, and would make related changes.

The bill would authorize the board to refuse to issue, or to revoke or suspend, the license of a polygraph examiner or intern on proof that the person has been negligent or incompetent in administering a polygraph examination.

This bill would specifically authorize the board to seek injunctive relief for any violation of the Polygraph Examiners Act, as specified, and would authorize the executive officer of the board to issue a citation and assess an administrative fine, as specified, for a violation of the act. The fines would be deposited in the Polygraph Examiners Fund and continuously appropriated for enforcement or education purposes

Existing law specifies the fees to be assessed relating to licensure pursuant to the Polygraph Examiners Act

This bill would impose (1) a fee for taking the qualifying examination, (2) a reexamination fee, (3) a duplicate license fee, and (4) a provider fee for approval of continuing education courses. The bill would increase the application fee from \$50 to \$75, and would reduce the initial license fee and renewal fee from \$200 to \$150 and these fees would be paid annually rather than every 2 years

Existing law provides that a \$50,000 loan to the Polygraph Examiners Fund from the General Fund is to be repaid during the 1985-86 fiscal year. The moneys in that fund are available for expenditures only when appropriated therefor by the Legislature.

This bill would provide that \$10,000 of the loan shall be repaid during the 1986-87 fiscal year instead of the 1985-86 fiscal year and the balance is to be repaid at a rate of not less than \$10,000 each fiscal year and to be repaid in its entirety with interest by January 1, 1989.

The bill would declare that it is to take effect immediately as an urgency statute, however, specified provisions of the bill would become operative January 1, 1987, unless SB 2335 is enacted, in which event those provisions would not become operative.

Ch. 1098 (SB 2321) Petrs. Courts: appellate review. rehearing.

Existing law establishes the appellate and original jurisdiction of the Supreme Court and the courts of appeal, and the appellate jurisdiction of the superior court.

This bill would provide that before the Supreme Court, a court of appeal, or the appellate department of a superior court renders a decision in a proceeding other than a summary denial of a petition for extraordinary writ, based upon an issue which was not proposed or briefed by any party to the proceeding, the court shall afford the parties

an opportunity to present their views on the matter through supplemental briefing; and if the court fails to do so, a rehearing shall be ordered upon timely petition of any party. These provisions would remain in effect until January 1, 1990, when they would be repealed.

Ch 1099 (SB 611) B Greene. Firearms: minors.

Under existing law, a parent is liable for any injury caused by the discharge of a firearm by a minor under that parent's custody or control if the parent permitted the minor to have the firearm or left it in an accessible place. Existing law limits that liability to \$15,000 for one injury or death and \$30,000 per occurrence.

This bill would require both custody and control of the minor, rather than custody or control, in order to incur such liability. The bill would also raise the limits on such liability to \$30,000 for one injury or death and \$60,000 per occurrence.

Ch. 1100 (SB 2183) Carpenter. Radiologic Technology Certification Committee.

Under existing law, provision is made to establish standards of education, training, and experience for persons who use X-rays on human beings. To help achieve this goal, a Radiologic Technology Certification Committee has been established, which consists of the Director of Health Services and 9 other members with varying backgrounds in the healing arts, including a licentiate of the healing arts who is not a physician and surgeon.

This bill would replace the licentiate of the healing arts who is not a physician and surgeon with a podiatrist licensed to practice podiatry in this state and would add an additional physician and surgeon and a chiropractic practitioner licensed to practice chiropractic in this state to the committee.

Existing law requires that any rules or regulations adopted by the State Department of Health Services concerning radiologic technology shall be approved by 5 affirmative votes of those present at an official meeting of the committee.

This bill would require approval by 6 affirmative votes of those present at an official meeting of the committee.

Ch. 1101 (SB 1624) Rosenthal. Cellular telephones: call notification.

Under existing law, the rates, charges, and conditions of service of telephone corporations, including the furnishing of cellular telephone service, are subject to the jurisdiction and control of the Public Utilities Commission.

This bill would direct the commission, by July 1, 1987, to determine the feasibility of a cellular telephone call notification system, as specified, taking certain matters into consideration, and would require implementation of the system if determined feasible.

The bill would appropriate \$58,000 from the Public Utilities Commission Utilities Reimbursement Account in the General Fund to the commission for purposes of the bill.

Ch 1102 (SB 1115) Mello. Community facilities.

(1) The existing Mello-Roos Community Facilities Act of 1982 specifies that a community facilities district formed under that act may provide any one or more of several specified services or provide for the purchase, construction, expansion, or rehabilitation of any real or other tangible property with an estimated useful life of 5 years or longer which is necessary to meet increased demands placed upon local agencies as the result of development or rehabilitation occurring within the district.

This bill would, instead, specify that a district may be formed under that act to finance those services or facilities and would additionally authorize the financing of planning and design work that is directly related to the purchase, construction, or rehabilitation of any real or tangible property. The bill would delete the requirement that those facilities be necessary to meet increased demands placed upon local agencies as the result of development or rehabilitation occurring within the district, with a specified exception. The bill would also authorize library services and the operation and maintenance of open-space areas to be financed pursuant to the act. The bill would provide that the facilities need not be physically located within the district and would also provide that a district may only finance the purchase of facilities whose construction is completed, as determined by the legislative body, before the resolution of formation to

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establish the district is adopted, except as provided. The bill would permit the district to enter into an agreement with a public utility for the conveyance of gas pipelines, telephone lines, and electrical transmission facilities, as specified. The bill would also permit a district to pay in full all amounts necessary to eliminate any fixed special assessment liens or to repay any bonded indebtedness, as specified. The bill would make conforming changes in related provisions of the act.

The bill would revise the definitions of community facilities district and incidental expense for purposes of the act and would permit a local agency to initiate proceedings *to include territory proposed for annexation to the local agency within a district.*

(2) Existing law authorizes the legislative body to accept advances of funds from any source and to use those funds for any authorized purpose and authorizes the legislative body to enter into agreements to repay all or a portion of those funds.

This bill would, in addition, permit the legislative body to accept work in-kind from any source and to enter into agreements to reimburse the person or entity for the value, or cost, whichever is less, of the work in-kind.

This bill would additionally require that any work in-kind which is accepted by the legislative body have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority of, the local agency.

(2.5) Existing law requires proceedings for the establishment of a community facilities district to be instituted by the adoption of a resolution of intention. Existing law requires a legislative body to adopt a resolution of intention to establish a district within 40 days after a written request by 2 members of the legislative body or a petition requesting the institution of proceedings for the establishment of the district is filed with the legislative body.

This bill would increase that period for the legislative body to adopt the resolution of intention to 90 days.

Existing law requires the resolution of intention to contain, among other things, a finding that the proposed facility is necessary to meet increased demands upon the local agency as a result of new development or rehabilitation.

This bill would delete the requirement that the resolution contain that information but would require the resolution to include a description of the proposed voting procedure.

Existing law requires the resolution of intention to state the probable annual amount of the special tax that each landowner or resident of the district will be required to pay.

This bill would require the resolution to also state the maximum amount of the tax that each landowner or resident will be required to pay.

(3) Existing law exempts properties or entities of the state, federal, or local government from any special tax levied under the act.

This bill would, instead, provide that if property that is not otherwise exempt from a special tax is acquired by a public entity, the special tax shall continue to be levied on the property acquired and shall be enforceable against the public entity. The bill would also make provision for property acquired by eminent domain.

(4) Existing law requires the publication of a notice, containing certain information, prior to the time a hearing is held on a proposal to establish a district.

This bill would impose a state-mandated local program by requiring the notice to contain additional information.

(5) Existing law requires the legislative body to abandon the proposed establishment of a community facilities district if, among other things, a specified number of the registered voters residing within the proposed district or a specified number of landowners file written protests against the establishment of a proposed district.

This bill would delete the requirement that the legislative body abandon those proposals under those circumstances, but would, instead, prohibit the conduct of further proceedings to create a district or levy a special tax for a period of one year.

(6) Existing law permits a public hearing on the establishment of a community facilities district to be continued from time to time but requires that the hearing be completed within 30 days.

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This bill would permit the hearing to be continued for a period not to exceed 6 months if the legislative body finds that the complexity of the proposed district or the need for public participation requires additional time.

(6.5) Existing law requires the legislative body to determine whether all prior proceedings were valid prior to adopting the resolution of formation establishing the district.

This bill would require the legislative body to determine, instead, whether all proceedings were valid in the resolution of formation.

(7) Existing law requires the legislative body of a local agency to submit the proposed levy of any special taxes to the qualified electors of the community facilities district. Existing law requires $\frac{2}{3}$ of the voters voting to approve the levy of a special tax except that a special tax to finance recreation program services and the operation and maintenance of parks and parkways requires approval of $\frac{2}{3}$ of the voters voting on the issue, or 100 voters, whichever is more.

This bill would, instead, prohibit the levy of a special tax to finance recreation program services, library services, and the operation and maintenance of parks and parkways unless at least 12 persons have been registered to vote within the proposed district for each of the 90 days preceding the close of the protest hearing and would require the approval of $\frac{2}{3}$ of those voters voting on the issue, except that the requirement that at least 12 persons have been registered to vote within the proposed district would not apply in specified circumstances.

(8) Existing law provides that, if 12 or more registered voters reside within a proposed community facilities district, the registered voters shall vote on whether the district may levy the special tax. However, if less than 12 registered voters reside within the proposed district, the landowners vote on that question.

This bill would enact a different voting procedure if the proposed special tax will not be apportioned on any portion of property in residential use at the time of the election.

(9) The bill would also impose a state-mandated local program by requiring the county recorder to accept certain filings made by the clerk of the legislative body of a local agency relating to special taxes approved by the voters prior to the effective date of this bill, but would permit the county recorder to charge a specified fee for recording and indexing those documents.

(10) The bill would permit property owners to elect to perform work financed under the act at prices that do not exceed the prices specified in the bid of the bidder who would otherwise be awarded the contract.

(11) Existing law provides that a special tax may be levied under the act for as long as the tax is needed to pay for services or the construction of facilities.

This bill would, additionally, provide that the special tax may be levied for as long as the tax is needed to pay the costs and incidental expenses, as defined, of those services or of the construction of those facilities.

(12) Existing law permits the legislative body to adopt a resolution of intention to alter the rate of a special tax under certain circumstances.

This bill would, instead, provide that the legislative body may adopt a resolution of consideration for that purpose and would prohibit the legislative body from adopting a resolution of consideration to reduce the rate of any special tax or to terminate the levy of any special tax if the proceeds of that tax are being utilized to retire any debt incurred under the act unless the legislative body determines that the reduction or termination of that tax would not interfere with the timely retirement of that debt.

(13) The bill would require the county auditor, under circumstances where the legislative body of the local agency levying a special tax is not the legislative body of a county, to report to the auditor of the local agency levying the special tax information relating to taxes, interest, and penalties collected for the district and the amount retained by the county auditor for the expenses incurred in making the collections and that report. This requirement would impose a state-mandated local program.

(14) Existing law provides that the proposed bonded indebtedness may include all costs and estimated costs incidental to, or connected with, the purpose for which the proposed debt is to be incurred, including, among other things, the acquisition of build-

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ings and land and the payment of specified fees.

This bill would additionally permit the inclusion of the cost of credit ratings, fees for letters of credit, and other credit enhancement costs.

(15) Existing law provides that all signatures on any bonds issued under the act, except that of the clerk of the legislative body, may be printed, lithographed, or engraved.

This bill would delete the exception for the clerk of the legislative body.

Existing law requires that coupons on bonds be signed by the clerk of the legislative body or his or her deputy.

This bill would delete that requirement.

(16) Existing law provides that an action to determine the validity of bonds or special taxes may be brought pursuant to specified provisions of the Code of Civil Procedure. Those provisions permit a public agency, or, if no proceedings are brought by a public agency, any interested person, to bring a validating action upon the existence of any matter which is authorized by any other law to be determined pursuant to those provisions, and for 60 days thereafter, to bring an action determining the validity of the matter.

This bill would, instead, require those actions brought by an interested person to be brought within 30 days after the voters approve the issuance of the bonds or the special tax.

(17) Existing law requires the legislative body of a local agency to give written notice of the proposed sale of bonds, no later than 10 days prior to the sale, to the California Debt Advisory Commission.

This bill would, instead, require that notice to be given within 30 days of the sale of the bonds

(17.5) Existing law permits any party to protest the imposition of any fees, taxes, assessments, dedications, reservations, or other exactions on residential housing developments by local governmental entities within 90 days after the date of their imposition in accordance with a specified procedure

This bill would delete the authorization to protest the imposition of taxes and assessments pursuant to that specified procedure.

(18) The existing Subdivision Map Act provides that, if at the time of approval of the final map by the legislative body, any public improvements required by the local agency have not been completed and accepted in accordance with standards established at the time of the approval or conditional approval of the tentative map, the local agency shall require the subdivider to enter into one of two specified agreements with the local agency to complete the improvements.

This bill would provide that the agreement may include provisions permitting the improvements to be financed and completed in accordance with the Mello-Roos Community Facilities Act of 1982.

(19) The bill would make provision for the completion of proceedings to create a district or to purchase facilities for which a resolution of intention to establish the district had been adopted prior to the effective date of this bill.

(20) Existing statutes contained in the Streets and Highways Code contain requirements governing the filing of maps of assessment districts, the recordation of notices of assessments, and the recordation of notice of the pendency of sale or foreclosure on lots, parcels, or pieces of land for delinquency in payment of principal and interest upon a special assessment or bond.

This bill would revise and recast those provisions, would make certain of those provisions applicable to both community facilities districts and assessment districts, and would specify that certain provisions applicable only to assessment districts which specify the duration of certain liens apply to any assessment, regardless of when levied, and which are being levied on the effective date of this bill. This requirement would impose a state-mandated local program by requiring the clerk of the legislative body that formed the district, the county clerk, and the county recorder to perform various acts relating to those filings and recording requirements. The bill would, however, amend existing law to permit the county recorder to impose specified fees for recording and indexing

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those documents.

(21) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

(22) The bill would take effect immediately as an urgency statute

Ch 1103 (AB 2380) Filante Medi-Cal drug formulary.

Existing law provides that, in order to reimburse pharmacies for furnishing prescription drugs to Medi-Cal beneficiaries, the Director of Health Services shall update the allowable drug product prices every 60 days, and the update shall include any prior change in price of which the director has received notice

This bill would require the Director of Health Services to update the allowable drug product prices every 30 days

Existing law requires the Medical Therapeutics and Drug Advisory Committee to review drugs on the formulary and make written recommendations to the State Director of Health Services as to the addition or deletion of a drug. Existing law further provides that when the State Department of Health Services receives an application to add a drug to the formulary which is a different dosage form, or strength of a listed product, the director may add the product to the formulary without review by the committee

This bill would authorize the department to add such a drug to the formulary without first receiving an application.

Ch 1104 (AB 3962) Sher Traffic offenses

(1) Existing law provides for fines, imprisonment, license sanctions, alcohol and drug programs, and vehicle impoundment to be imposed on any person who is convicted of driving under the influence of an alcoholic beverage, any drug or both, or with an excessive blood-alcohol concentration, and who causes bodily injury to another.

This bill would impose a state-mandated local program by requiring a court, upon motion of the prosecution and declaration by the court that the vehicle is a nuisance, and upon the conviction of the driver, to order the forfeiture and sale of a vehicle used in the commission of a felony offense in which serious bodily injury has occurred within 5 years of one or more other specified offenses, and the defendant is the registered owner of the vehicle, except as indicated, and by requiring the sheriff of the county or the chief of police of the city in which the violation occurred to sell the vehicle, as specified. The bill would authorize the legal owner to conduct the sale or disposition of the vehicle, as specified, after giving notice to all registered and legal owners of the vehicle as shown in the records of the Department of Motor Vehicles. The proceeds from the sale, after deductions for the cost of the sale and deductions for various other specified types of interest holders in the vehicle, would be deposited in the general fund of the city or county in which the violation occurred

The bill would make a legislative finding and declaration of public policy prohibiting an insurance policy from alleviating financial detriment to the defendant caused by a repossession of a vehicle.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1105 (AB 2831) Killea Driving offenses. juveniles

(1) Under existing law, any person who is convicted of driving a vehicle while under the influence of an alcoholic beverage, any drug, or a combination thereof, driving with a blood-alcohol concentration of 0.10% or more, or driving when addicted to any drug, is punishable by specified fines, imprisonment, and sanctions on the driving privilege. If granted probation, specified minimum terms and conditions of probation are required to be imposed by the court

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This bill would impose a state-mandated local program by making it an infraction for a person under the age of 18 years to drive a motor vehicle with 0.05% or more, by weight, of alcohol in his or her blood. The bill would require a person found to have committed a violation of the bill to participate in an alcohol education program unless the court makes specified findings. If the person also violates the prohibition against driving under the influence of an alcoholic beverage, any drug, or both, driving with 0.10% or more, by weight, of alcohol in his or her blood, or driving when addicted, in addition to a violation of the bill, the bill would also require the person to participate in the alcohol education or alcohol rehabilitation program, thereby imposing a state-mandated local program.

(2) Existing law exempts parents from liability for costs of alcohol or drug care or counseling for minors of 12 years of age or over except with the parent's consent, as specified.

This bill would, notwithstanding that law, authorize a court to order a parent to pay the fees for the program under the bill, as specified

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1106 (AB 2558) Duffy. Gross vehicular manslaughter while intoxicated.

Existing law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought, with specified exceptions. Existing law also defines manslaughter as the unlawful killing of a human being without malice. It further provides that one of the ways of committing vehicular manslaughter is driving a vehicle in violation of the prohibition against driving (a) when under the influence of an alcoholic beverage, a drug, or a combination thereof, (b) with 0.10%, or more, of alcohol in the driver's blood, or (c) when addicted, and while either in the commission of a lawful act which might produce death, in an unlawful manner and with gross negligence, or in the commission of an unlawful act, with gross negligence, not amounting to a felony.

This bill would provide that the above described acts which constitute vehicular manslaughter would, instead, be defined as gross vehicular manslaughter while intoxicated, punishable by imprisonment in the state prison for 4, 6, or 10 years.

This bill would make certain legislative findings and declarations concerning alcohol-related traffic accidents.

This bill would also make conforming changes in the law.

Ch. 1107 (AB 364) Condit. Driving under the influence: evidence

Existing law requires the arresting officer to advise a person arrested for driving under the influence of alcohol, or the combined influence of alcohol and a drug, if the person chooses a breath test, that the equipment does not retain any sample of the breath and that no breath specimen will be available which could be analyzed later by the person or any other person. These provisions also require the person to be advised that the person will be given an opportunity to provide a blood or urine sample that will be retained at no cost for subsequent analysis.

This bill would provide that a failure or omission to advise under these provisions does not affect the admissibility of evidence of the person's blood alcohol content.

Ch. 1108 (AB 3939) Farr. Driving offenses. Ignition interlock devices

(1) Under existing law, upon conviction of a person for driving a motor vehicle under the influence of alcohol, a drug, or a combination thereof, or driving with an excessive blood-alcohol concentration, or driving when addicted, the courts are required to impose specified penalties, and if that sentence is stayed and the person is granted probation, the court is required to impose specified minimum terms and conditions of probation. Greater punishments are required if convictions of separate violations of those provisions have occurred within 5 years.

This bill, in addition to other requirements of law, would authorize a court to order

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such an offender, as specified, of those driving offenses, if granted probation, to have a certified ignition interlock device, as described, installed on motor vehicles owned or operated by him or her and would prohibit that person from driving a motor vehicle unless it is equipped with a functioning ignition interlock device, with specified exceptions. A court would be authorized to determine the defendant's ability to pay for all or a portion of the reasonable costs of probation, including the cost of installation of the device, as specified.

(2) Under existing law, the Bureau of Automotive Repair is required to administer and enforce the Automotive Repair Act.

This bill would require the bureau to, among other things, establish standards for the installation of the ignition interlock devices, as specified, and would authorize the bureau to charge manufacturers of the devices a fee to cover that cost. Since under existing law, fees imposed by the bureau are deposited in the Automotive Repair Fund, a continuously appropriated fund, the bill would make an appropriation.

The bill would require the Office of Traffic Safety to utilize information from an independent agency to certify ignition interlock devices, to adopt guidelines for their proper use, and to report to the Legislature on the ignition interlock device program by specified dates.

The bill would provide for the suspension or revocation of the privilege to operate a motor vehicle for violations

The bill would make it unlawful for any person to knowingly rent, lease, or lend a motor vehicle to a person known to have had his or her driving privilege restricted as a condition of probation unless the vehicle is equipped with a device

The bill would provide for related provisions, state that its provisions are severable, and would make legislative findings. The provisions of the bill would be repealed on January 1, 1990, except that persons granted probation under the bill prior to January 1, 1990, would be subject to it for the period of probation.

(3) The bill would require the Office of Traffic Safety to select and implement the program in the bill in 4 representative counties.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would also make a violation of specified provisions a misdemeanor and would require courts in the 4 designated counties to compile specified information and provide it to the office, thus imposing state-mandated local programs

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for specified reasons.

Ch. 1109 (AB 1013) Johnston. Agricultural producer's lien.

Under existing law, every producer of any farm product that sells any product which is grown by him or her to any processor under contract, in addition to all other rights and remedies which are provided for by law, has a lien upon the product in all its forms for his or her labor, care, and expense in growing and harvesting the product.

This bill would authorize a nonprofit cooperative association acting as a producer bargaining association to assert producer's lien rights on behalf of its members. The bill would specify that farm products deposited by a processor with a warehouse are still considered to be in the possession of the processor for purposes of the lien.

The bill would also require the Director of Food and Agriculture to investigate a charge filed by a producer that a purchaser of a farm product to which the lien has attached has removed the product from the state or from the purchaser's ownership or control, as specified

Ch. 1110 (SB 2609) L. Greene. Disaster relief.

Existing law establishes within the Reserve for Economic Uncertainties a Disaster

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Response Emergency Operations Account, which is continuously appropriated, for allocation by the Director of Finance, upon an order of the Governor, to any state agencies for costs incurred related to emergencies, as defined, declared by the Governor. The account will remain operative only until June 30, 1988

Chapter 16 of the Statutes of 1986 authorizes the allocation of funds from the account to local agencies and to be used to cover the costs of providing disaster victim assistance. It transferred the sum of \$115,000,000 from the reserve to the account for allocation, as specified, for individual and family disaster assistance to persons incurring losses due to storms and floods occurring in February 1986, for disaster assistance to counties declared to be in need of disaster assistance and other affected local agencies therein, for an emergency repair program for levees maintained by levee and reclamation districts. The chapter also provided for property tax relief to disaster-affected counties which permit, under a specified procedure, the deferral of second installment 1985-86 fiscal year secured roll property taxes by owners of eligible property, as defined

This bill would make certain procedural modifications and certain technical corrections in the property tax deferral program. It would also delete certain provisions relating to the levee emergency repair program established in Chapter 16 of the Statutes of 1986

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1111 (SB 2380) Mello. Health facilities.

Under existing law, various types of health facilities are defined for purposes of licensing. One defined type of health facility is an "intermediate care facility/developmentally disabled—nursing," which is a facility with a capacity of 4 to 6 beds.

This bill would change the definition of "intermediate care facility/developmentally disabled—nursing" to a facility with a capacity of 4 to 15 beds. It would make other conforming changes.

Existing law grants regulatory authority to the State Department of Health Services for defining bed classifications allowed in licensed health facilities.

This bill would delete the "general acute care rehabilitation" bed classification.

Accordingly, this bill would make various changes to delete references to the deleted bed classification

Existing law provides that the State Department of Health Services and the State Department of Developmental Services shall jointly develop licensure and Medi-Cal regulations regarding intermediate care facilities/developmentally disabled—nursing

Existing law provides that the regulations shall be adopted by the State Department of Health Services and that the regulations shall contain specified provisions

This bill would specify that the regulations shall include licensing fee schedules which will encourage their development

Existing law provides that no license shall be issued unless the State Department of Health Services finds that the prospective facility is, and the prospective licensee's, management, and staff are, in compliance with applicable statutes and regulations, as specified

Existing law provides for the granting of waivers under specified circumstances, and requires that the department report to the Legislature annually, as specified, regarding waivers granted

This bill would delete this reporting requirement.

Existing law defines "long-term health care facility" to encompass various categories of licensed health facilities

This bill would expand that definition to include "intermediate care facility/developmentally disabled—nursing"

Existing law specifies the rights of patients, and their representatives, to inspect and copy specified health records. Existing law further specifies the responsibilities which care providers, as defined, have regarding those records

This bill would require that those records be preserved for a specified period

Existing law authorizes institution of disciplinary actions for willful violation of a health care provider's responsibilities regarding patient records

Existing law authorizes institution of a civil action to enforce a patient's rights regard-

ing his or her health records

This bill would authorize civil actions for money damages against the provider or the principal officers of a dissolved corporation or partnership, for willful abandonment, as defined, of health records.

Existing law prohibits establishment or operation of a nonprofit hospital service plan without first procuring a certificate of approval from the department, as specified.

This bill would delete this requirement

Existing law provides for inspection of these facilities and revocation of certificate of approval by the department under specified circumstances

This bill would delete this authority

Pursuant to existing law, revocation of the certificate of approval by the department requires revocation of the certificate of authority by the Commissioner of Insurance.

This bill would delete this requirement

Ch. 1112 (SB 1699) Royce Emergency response. recovery of cost.

Under existing law, a person's liability, under specified circumstances, for the expense of an emergency response by a public agency for specified incidents is limited to \$500 for a particular incident.

This bill would increase the limit to \$1,000 for a particular incident.

Existing law provides that any person under the influence of alcohol or drugs whose negligence or wrongful conduct with regard to the operation of a motor vehicle proximately causes any incident resulting in an appropriate emergency response shall be liable for the expense of an emergency response, as defined, by a public agency to the incident

This bill would revise the definition of "expense of an emergency response" by specifying that the salaries of the personnel responding to the incident would be included in the reasonable costs incurred by a public agency in responding to an emergency incident.

Ch. 1113 (SB 922) Seymour State employees employee assistance.

Under an existing executive order, the Governor has provided for a State Employee Assistance Program, to be administered by the Department of Personnel Administration, for the prevention and reduction of state employee health problems.

The bill would require the Department of Personnel Administration to report, on or before March 1, 1988, to the Governor and the Legislature on the operation of the State Employee Assistance Program, including information concerning the cost effectiveness and efficiency of the program

Ch 1114 (SB 1543) Presley Attorneys

Existing constitutional and statutory law provides for the establishment of and the powers and duties of the State Bar of California, including provision for the establishment of procedures for the disciplining of attorneys

This bill would provide for the hearing of certain disciplinary matters by retired judges or if a retired judge is unavailable, by referees The bill would provide for the appointment of a chief trial counsel and specify his or her duties. It would provide that the Review Department of the State Bar Court shall consist of no more than 18 members and provide for their appointment. It would require the Board of Governors of the State Bar to establish a complainants' grievance panel and would provide, until January 1, 1990, for a discipline monitor to be appointed, as specified, by the Attorney General. It would revise provisions relating to placement of attorneys on inactive status because of mental disorders or for related reasons It would make related changes

The bill would require the Board of Governors of the State Bar to transmit \$90,000, by January 15, 1987, to the Controller for transfer, as specified, to the Department of Justice for purposes related to the discipline monitor

Ch 1115 (SB 1973) Alquist Earthquakes

(1) Under existing law, the Seismic Safety Commission has powers and duties relating to earthquake preparedness programs The commission is authorized to contract with

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the University of California to carry out the California Earthquake Education Project

This bill would authorize the commission to enter into cooperative agreements with nonprofit associations and foundations to promote seismic safety, as specified

(2) Existing law requires the Office of Emergency Services to develop a comprehensive emergency response plan for short-term earthquake predictions

This bill would continue 2 earthquake projects to June 30, 1990, and authorize the office to enter into agreements with public agencies and private organizations to receive and expend funds for comprehensive earthquake preparedness programs.

Ch. 1116 (SB 2599) Beverly School finance

Existing law prescribes a method of determining state apportionments to school districts based generally on the computation of district revenue limits less property tax received. District revenue limits are adjusted for various factors, including adjustments in the 1985-86, 1986-87, and 1987-88 fiscal years as an incentive for school districts to provide a longer instructional day and year.

This bill would specify the method of calculations or recalculations for that incentive funding for the 1985-86 and 1986-87 fiscal years.

The proposed Budget Act of 1986 contains a provision in the item for local assistance, State Department of Education, for transfer to Section A of the State School Fund, Program 10.10-School Apportionments, which would require, notwithstanding other specified provisions, that the base revenue limit for the 1986-87 fiscal year be determined by adding to the base revenue limit for the 1985-86 fiscal year certain prescribed amounts

This bill would delete this provision

Ch 1117 (SB 2344) Lockyer Driving offenses

(1) Under existing law, any person convicted of driving under the influence of an alcoholic beverage, any drug, or both, with an excessive blood-alcohol concentration, or when addicted to any drug is subject to punishment by fines, imprisonment, and sanctions on the driving privilege, with more severe punishment if other specified convictions have occurred within 5 years or if bodily injury results to another. A court may also suspend execution of sentence and grant the convicted person probation upon specified minimum terms and conditions. The term of probation is limited to 3 years.

This bill would authorize the term of probation to be not less than 3 nor more than 5 years, as specified, and would provide enhancement for prior offenses occurring within 7 years, thereby imposing a state-mandated local program.

The bill would make certain provisions relating to alcohol treatment for 3rd offenders, which expire January 1, 1988, permanent, would require a request of the convicted person for that treatment to be imposed as a condition of probation, if granted probation.

The bill would also change the minimum probation conditions for 4th offenders as specified.

The bill would make other technical and conforming changes

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1118 (SB 920) Seymour Alcohol abuse education and prevention

(1) Existing law provides for the establishment and administration of county alcohol programs and for funding thereof by a portion of each fine for conviction of violations of certain provisions of the Vehicle Code concerning alcohol-related offenses.

This bill would, in addition to the fines, require persons convicted of specified alcohol-related offenses to pay an additional alcohol abuse education and prevention penalty assessment in an amount not to exceed \$50. The money obtained thereby would be deposited in a county alcohol abuse education and prevention fund to be allocated to the schools and community of the county to conduct an alcohol abuse education and prevention program in a specified fashion. This program would constitute a state-man-

dated local program.

(2) Existing law defines "probation" and "conditional sentence" for purposes of the Penal Code, and, after a misdemeanor conviction, the court is required to either refer the matter to a probation officer or summarily pronounce a conditional sentence, and, upon request, grant a continuance for a specified purpose before the judgment is pronounced. Existing law also provides that if the judgment is for a fine, the judgment may be enforced in the manner provided for the enforcement of money judgments generally.

The bill would expressly provide that an order granting probation to a person convicted of a violation of a certain provision of the Vehicle Code concerning alcohol-related offenses is a conditional sentence within the meaning of those Penal Code provisions and that any fine, restitution, or assessment imposed as a condition of probation is a judgment for a fine for the purposes of enforcement of money judgments. It would also require the court to determine if the defendant has the ability to pay all or part of the penalty assessment taking into account prescribed matters. It would authorize the court to set the amount to be reimbursed and to order the defendant to pay that sum to the county in the manner in which the court believes reasonable and compatible with the defendant's financial ability.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1119 (SB 2562) Presley Vessels marine sanitation

(1) Under existing law, the owner or person lawfully vested with the possession, management, or control of a marine terminal, as defined, is required to provide adequate sewage retention device pumpout capability, as required by the State Water Resources Control Board for the protection of water quality, at locations which are convenient and accessible to vessel users.

This bill would, instead, require every vessel terminal, as defined, to be equipped with vessel pumpout facilities for the transfer and disposal of sewage from marine sanitation devices in accordance with requirements imposed by the regional water quality control board. The bill would require the regional boards, in carrying out these requirements, to give priority to specified areas. The bill would permit the regional board to require any vessel pumpout facility to be equipped with a meter but would require all pumpout facilities installed after the effective date of the bill to be equipped with a meter. The bill would exempt specified facilities from these provisions. The bill would impose a state-mandated local program since violation of this requirement would be a misdemeanor. The bill would make specified violations subject to the civil penalties and enforcement procedures of the Porter-Cologne Water Quality Control Act. The bill would make other changes in existing provisions governing vessel sanitation.

(2) Under existing law, the Department of Boating and Waterways may, upon appropriation by the Legislature, expend moneys in the Harbors and Watercraft Revolving Fund for loans to cities, counties, or districts for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection therewith. Under existing law, the department is also authorized to make loans to private marina owners for development of recreational marinas, as specified.

This bill would include vessel pumpout facilities among the facilities for which funds loaned to private marina owners may be utilized. The bill would require any of the foregoing loans involving a project that is required to provide vessel pumpout facilities to be subject to specified conditions. The bill would make related changes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

(4) The bill would declare that it is to take effect immediately as an urgency statute

Ch. 1120 (SB 2531) Royce Foster care.

Existing law contains provisions for the licensure and regulation of community care facilities, as defined, including homefinding agency services for certain neglected, abused, handicapped, mentally impaired, or incompetent children or adults.

This bill would instead, include within the scope of the definition of community care facility foster family agency services, as defined, and would exempt them from charges and fees imposed by the State Department of Social Services in the regulation of those agency services.

Under the California Community Care Facilities Act the State Department of Social Services is required to establish regulations for foster family homes providing 24-hour care for 6 or fewer foster children that are separate from regulations for all other community care facilities. The department may levy a civil penalty on these facilities for deficiencies in compliance with the act or the department's regulations. The department is required to establish regulations for these foster family homes as an entirely separate regulation package from regulations for all other community care facilities and would exempt these homes from the provisions on civil penalties.

This bill would include certified family homes of foster family agencies within the application of those provisions relating to foster family homes.

Existing law provides that, when ordering the removal of a minor from the custody of a parent or guardian, the court shall order the minor to be placed under the supervision of the probation officer, and authorizes the probation officer to place the minor in the home of a relative or certain facilities, including a homefinding agency.

This bill would revise that authorization, to, instead, refer to a foster family agency, and would make that reference revision in related provisions.

Under existing law, a residential facility selected and exclusively used for the reception and care of persons placed there by a foster family home for temporary or permanent care or adoption, during the time it is used exclusively for placement or care, shall not be subject to the requirement that a valid license is obtained and maintained in order to operate a community care facility.

This bill would, instead, exempt from that requirement any foster family home certified by a foster family agency for the reception and care of children as having met certain standards and would require that agency, if it determines the foster family home no longer meets those standards, to notify the State Department of Social Services.

Existing law requires the State Department of Social Services to develop and implement a ratesetting system for reimbursement of homefinding agencies providing services pursuant to the Aid to Families with Dependent Children program.

This bill would, instead, require the department to perform that function for foster family agencies, would require the department to develop regulations specifying the purposes, types, and services of foster family agencies and would require the department to develop a schedule of rates specifying 3 basic components.

This bill would incorporate additional changes in Section 1523 of the Health and Safety Code, proposed by AB 4055, to be operative only if AB 4055 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last. These changes would become operative on the operative date of AB 4055.

This bill would incorporate additional changes in Sections 362, 366.2, and 366.25 of the Welfare and Institutions Code, proposed by SB 1195, to be operative only if SB 1195 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last. These changes would become operative on the operative date of SB 1195.

This bill would incorporate additional changes in Section 727 of the Welfare and Institutions Code, proposed by SB 883, to be operative only if SB 883 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last. These changes would become operative on the operative date of SB 883.

The bill would declare that it is to take effect immediately as an urgency statute.

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Ch 1121 (AB 4066) McClintock. Juvenile court law

Under existing law, at the initial hearing on a petition to adjudge a minor a dependent child of the juvenile court, the court is required to order the minor released from custody unless it finds any one of several circumstances to exist. One of these circumstances is a finding that the minor indicates an unwillingness to return home, if the minor has been sexually molested by a person residing in the home.

This bill would recast that particular circumstance to require a finding that the minor indicates an unwillingness to return home, if the minor has been physically or sexually abused by a person residing in the home.

Ch 1122 (SB 1195) Presley. Minors dependent children

Existing law specifies the procedures under which a minor may be declared a dependent child of the juvenile court. One of the grounds for such a judgment is physical abuse by a parent; special procedures may be evoked under this ground with regard to a child under the age of 3 who has suffered severe physical abuse, if specifically alleged.

This bill would revise and recast those procedures including (1) establishing a separate basis for an order of dependency, severe physical abuse of a child under the age of 3, as specified, and providing that a finding of dependency on that basis, as well as the making of any of other specified findings, may obviate the necessity of providing reunification services, (2) revising the grounds for detention of a minor; (3) recasting the procedures following removal of such a child from the physical custody of his or her parent or guardian, and (4) making related changes. Inasmuch as it would require new duties and increased levels of services from various local officials and agencies, including probation officers and county welfare departments, it would create a state-mandated local program.

The bill also would require the Senate Select Committee on Children and Youth to establish a task force to study the statutes relating to child abuse reporting, dependent children, and child welfare services and to submit a report thereon to the Legislature by January 1, 1988.

The bill also would specify that the obligation pursuant to existing law of a county welfare department or social services department to make an evaluation of what actions would be in the best interest of a victim of child abuse is limited to specified cases.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 1123 (AB 4064) Wright. Community colleges.

(1) Existing law prohibits the possession, consumption, sale, donation, or delivery of alcoholic beverages in or on any public schoolhouse, with an exception for, among others, a public schoolhouse that is surplus school property and the grounds thereof are leased to a general law city, as specified, or is leased to a civic organization to be used for specified community center purposes.

This bill would provide an additional exception if alcoholic beverages are acquired, possessed, or used during an event not sponsored by any college at a performing arts facility built by a nonprofit organization on property owned by a community college district and leased to the organization in a county of the 11th class as defined in the 1980 census.

(2) Existing law specifies that no county superintendent of schools, employee of the office of a county superintendent of schools, or employee of a school district or community college district may be a member of the county committee on school district organization, which committee has certain authority concerning the organization of school districts and community college districts.

This bill would specify that a member of the governing board of a school district or

community college district in the same or any other county who is otherwise eligible may simultaneously serve as a member of the county committee

(3) [Under existing law, school districts and community college districts receive reimbursements of \$3.25 per 50-minute hour of teaching time for providing instruction to indentured and isolated apprentices, as defined, who are enrolled in courses pursuant to an apprenticeship agreement, except as otherwise prescribed. Existing law also increases the amount of the reimbursement for isolated apprentices, until July 1, 1987, to \$3.58 per 50-minute hour

This bill would increase the amount of the reimbursement, for both indentured and isolated apprentices, to \$3.76 per 50-minute hour for the 1986-87 fiscal year, and as established in the annual Budget Act for each fiscal year thereafter, and would make certain related technical changes

(4)]* Under existing law, when the governing boards of school districts or community college districts agree to transfer an existing program, a period of up to two years is allowed for an orderly transfer of legal and contractual obligations to be made.

This bill would instead specify that any such transfer is to be accomplished through a written transfer agreement approved by the affected governing boards, which agreement is to expressly provide for any transfer of units of average daily attendance, including the revenue per unit of average daily attendance, for purposes of entitlement to state funding. This bill would thereby impose a state-mandated local program. The bill would further require that the Chancellor of the California Community Colleges and the Superintendent of Public Instruction jointly verify and approve any transfer of units of average daily attendance, and the corresponding revenue, and determine any transfer of state funding, as specified

~~(4)~~ [(5)]* Existing law authorizes the Board of Governors of the California Community Colleges to hold executive sessions closed to the public to consider the employment of any person, or any disciplinary action to be taken against any officer or employee under the jurisdiction of the board

This bill would specify that the employment status of the Chancellor of the California Community Colleges is subject to this authority

~~(5)~~ [(6)]* Existing law sets forth the method for calculating the units of average daily attendance in the community colleges for apportionment purposes, including an alternative calculation whereby actual student contact hours of attendance are divided by 525

This bill would provide that the units of average daily attendance for all independent study or work experience education courses be calculated separately, as the product of the average of the units of credit for which students are enrolled as of specified census dates and a term length multiplier provided for by existing law, divided by 525.

~~(6)~~ [(7)]* Under current law, the Chancellor of the California Community Colleges is required to exclude from the computation of state apportionments the units of average daily attendance of inmates in certain penal institutions for adults, and to provide certain districts providing classes to inmates with an allowance equal to the actual current expenses of the district for those classes, as specified.

This bill instead would specify that, notwithstanding specified provisions of current law, commencing with the 1985-86 fiscal year, and for each fiscal year thereafter, the governing board of a community college district that provides classes for inmates of any city, county, or city and county jail, road camp, or farm for adults, may include the units of average daily attendance generated in those classes and computed pursuant to specified provisions of current law, for purposes of state apportionments. This bill would require these courses to conform to the criteria and standards adopted by the Board of Governors of the California Community Colleges under specified provisions of current law.

Notwithstanding certain provisions of existing law, this bill would require the Chancellor of the California Community Colleges to make specified adjustments to the 1986-87 fiscal year base average daily attendance and base revenue for each community college district that received an allowance for classes for inmates in the 1985-86 fiscal year

~~This bill would state the legislative intent to make changes in state apportionments~~

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~~to community college districts in the 1986/87 fiscal year and would require the Chancellor of the California Community Colleges to adjust allowances and disbursements for that fiscal year.~~

(7) [(8)]* The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 1124 (AB 3263) O'Connell Education.

(1) Under existing law, the Superintendent of Public Instruction is required to make certain computations to determine the revenue limits for special schools and classes, and vocational/technical schools and classes, operated by county superintendents of schools.

Existing law requires that the Superintendent of Public Instruction apportion state aid pursuant to a specified calculation.

This bill would make specified modifications in these computations and calculations.

The bill also would delete the authority of the county superintendent to use specified funds for any special school or class, or any vocational/technical school or class, operated by the county superintendent. The bill also would delete a restriction on the expenditure of certain county school service funds.

(2) Existing law authorizes the governing board of any school district to initiate and carry on any program, activity, or to otherwise act in any manner that is not in conflict with or inconsistent with or preempted by, any law and that is not in conflict with the purposes for which school districts are established.

This bill would define the term "school district" for those purposes to include county superintendents of schools and county boards of education, and would state that the application of those provisions to county superintendents of schools and county boards of education shall be interpreted to be declaratory of existing law.

Existing law authorizes and in certain circumstances requires the governing boards of school districts to appoint a district advisory committee to advise the governing board in the development of distinctive policies and procedures governing the use or disposition of school buildings or space in school buildings that is not needed for school purposes, and specifies the membership and duties of the committee. Existing law also provides for the repeal of those provisions on December 31, 1986.

This bill would delete the provision for the repeal of those provisions, thereby imposing a state-mandated local program.

(3) Existing law authorizes the governing board of a school district that maintains one or more high schools to maintain a summer school in accordance with rules and regulations of the State Board of Education.

This bill would delete the provision relating to the rules and regulations of the State Board of Education.

(4) Existing law requires the State Board of Education to compute a penalty for excess class size in kindergarten classes and authorizes the board to waive the penalty under certain conditions.

This bill would repeal the provisions authorizing the waiver.

(5) Existing law prescribes the minimum day for pupils enrolled in an approved work experience education program.

This bill would specify that those provisions are not applicable to pupils enrolled in a continuation school or class pursuant to specified provisions of current law.

(5) Existing law requires a principal or the superintendent of schools to recommend to the governing board a pupil's expulsion if the pupil has unlawfully sold any of specified controlled substances, unless the principal or superintendent finds and reports to the governing board that expulsion is inappropriate.

This bill would expand the kinds of controlled substances for which, if unlawfully sold by a pupil, the principal or superintendent is required to recommend the pupil's expulsion.

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sion.

(6) Existing law authorizes the governing body of any elementary school district to establish and maintain special day and evening classes and summer schools, consisting of special day classes or special evening classes or both, for the purpose of giving instruction in any of the branches of study prescribed and authorized for the elementary schools. Existing law provides that these classes may be convened at times during the day or evening and for periods of time during the year as determined by the governing authority in accordance with rules and regulations of the State Board of Education and with the prior written approval of the Superintendent of Public Instruction.

This bill would delete the provisions relating to the rules and regulations of the State Board of Education and the prior written approval of the superintendent.

(7) Under existing law, as a condition to receiving an apportionment for pupils with exceptional needs enrolled in nonpublic, nonsectarian schools, a district or county office of education is required to provide a specified count to the Superintendent of Public Instruction biannually.

This bill would delete that particular requirement and instead would require the district or county office of education to submit financial reports required by the superintendent for the purpose of apportioning funds.

Current law also requires the superintendent to prepare a report annually containing specified information relating to individuals with exceptional needs enrolled in nonpublic, nonsectarian schools.

This bill would delete that requirement.

(8) Current law establishes the Assumption Program of Loans for Education and requires that all persons eligible to receive conditional warrants for loan assumptions under the program be persons who need to complete additional training or coursework in order to be fully credentialed to teach in a designated subject matter shortage area or in schools serving a large population of students from low-income families.

This bill would delete the word "additional" in the phrase "additional training," thereby clarifying that the conditional warrants are available only to persons who have not yet obtained a credential.

(9) Under the existing Assumption Program of Loans for Education, one of 2 ways an applicant can meet the eligibility requirements is if he or she agrees to participate in a teacher trainee program or teacher internship program in a designated subject matter shortage area, or is a person who will continue to be employed full time in a field other than teaching while completing the necessary coursework for a teaching credential in a designated subject matter shortage area.

This bill would revise this alternative by requiring that the applicant hold a baccalaureate degree and agree to participate in a teacher trainee program or teacher internship program, or either is a person who will continue to be employed full time in a field other than teaching while completing the necessary coursework for a teaching credential, or is a noncredentialed teaching paraprofessional who will continue to serve as a teaching paraprofessional while completing the necessary coursework for a California teaching credential. This bill would provide that no applicant who had completed less than 60 units, or the equivalent, could use this alternative to meet the eligibility requirements of the Assumption Program of Loans for Education.

The bill also would make a conforming change in the law regarding the redemption of an applicant's warrant for loan assumption.

(10) Under existing law, the Student Aid Commission is required to report annually to the Legislature information regarding the Assumption Program of Loans for Education, including the number of warrants allocated each to juniors, seniors, students enrolled in teacher training programs, teacher trainees, and teacher interns.

This bill would, instead, require the commission to report the number of warrants allocated each to juniors, seniors, students enrolled in teacher training programs, teacher trainee programs, and teacher internship programs.

(11) Existing law establishes special education programs for individuals with exceptional needs and specifies the requirements of local plans for implementation of the programs by local educational agencies, and provides that the service area covered by

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the plan which is submitted shall be known as the special education local plan area. This area is determined by the election of the governing board of a school district to do one of the following (1) if the district is of sufficient size and scope submit a plan for the education of all individuals with exceptional needs residing in that district, (2) submit a plan in conjunction with one or more districts for individuals with exceptional needs residing in those districts, or (3) join with the county office to submit a plan for all individuals with exceptional needs residing in the geographic area being served by the plan

Current law eliminates the size and scope limitation in (1) above on a pilot project basis for certain school districts selected by the Superintendent of Public Instruction in Orange County with an average daily attendance of 9,000 or more. Current law requires the State Department of Education to evaluate the effects of eliminating the size and scope requirements and to submit a report to the Legislature on the results of the evaluation on or before November 1, 1985, and again, on or before January 1, 1987.

This bill would extend the latter reporting date to January 1, 1988.

(12) This bill would appropriate \$1,814,128 to the State Department of Education for transfer to Section A of the State School Fund in augmentation of specified items of the Budget Act of 1986. The bill would require that, of that amount \$371,276 be made available to specified apprentice programs operated in the 1984-85 fiscal year and \$1,442,852 be made available to specified apprentice programs operated in the 1985-86 fiscal year.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 1125 (AB 4187) Frazee Courts San Diego County

(1) Existing law specifies the benefits payable to municipal and superior court judges in San Diego County.

This bill would increase the benefits payable to municipal and superior court judges in San Diego County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law establishes various fines and forfeitures for violations of the Vehicle Code. Existing law also establishes various enhancements on penalties for crimes committed under specified circumstances.

This bill would authorize the Board of Supervisors of San Diego County to impose an enhancement, as specified, upon fines and forfeitures imposed for Vehicle Code violations in certain circumstances, the proceeds to be used by the county for specified purposes.

(3) Existing law provides for the number, compensation, and classification of municipal court employees in San Diego County, and authorizes the creation of additional municipal court judgeships for the El Cajon and North County Judicial Districts upon the adoption of specified resolutions by the Board of Supervisors of San Diego County.

This bill would revise the number, compensation, and classification of municipal court employees in San Diego County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also restate the number of judges for the El Cajon and North County Judicial Districts to incorporate the judgeships created by resolution of the Board of Supervisors of San Diego County.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1126 (AB 3923) McClintock. Health care facilities.

Existing law provides that the State Department of Health Services shall administer an inspection and reporting system to assure that long-term health care facilities, as defined, comply with the laws relating to patient care.

Existing law provides that facilities which are found to have violated certain statutes or regulations relating to patient care shall be issued one or more of the various citations, as defined, and be subject to civil penalties depending upon the severity of harm or risk of harm to which the patient was exposed

Existing law classifies the various violations as class "AA," class "A," class "B," and other minor violations as prescribed by regulation.

Existing law provides a process by which a facility licensee may challenge issuance of citations.

This bill would specify that the appeal rights and minimum fines which are applicable to class "A" citations and class "B" citations also apply to omission and falsification violations which are issued as class "A" or class "B" citations. The bill would provide that these provisions are a clarification of existing law

This bill would incorporate additional changes in Section 1424 of the Health and Safety Code proposed by SB 765 to be operative if both bills are enacted and become effective January 1, 1987, and this bill is enacted last

Ch 1127 (AB 3475) Bronzan. County health facilities.

Existing law creates a County Health Facilities Financing Assistance Fund in the State Treasury which is a continuously appropriated fund. Existing law requires the Controller to transfer specified amounts of moneys to the fund, ~~including \$25,000,000 out of any amounts received from a specified settlement under the Outer Continental Shelf Lands Act,*~~ and limits the expenditures from the fund to the income derived from the investment of moneys in the fund.

This bill would remove that limitation on expenditures from the fund and would therefore make an appropriation.

~~This bill would also reduce the \$25,000,000 to \$10,000,000 out of any amounts received from the specified settlement under the Outer Continental Shelf Lands Act.*~~

Ch 1128 (AB 2724) Jones. Workers' compensation self-insured employers

Existing law requires every employer except the state to secure the payment of workers' compensation for employees injured in the scope of their employment, and makes it a misdemeanor to fail to secure the payment of workers' compensation by one who knew, or because of his or her business knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation.

This bill would make it a misdemeanor to fail to secure the payment of workers' compensation by one who knew, or because of his or her knowledge or experience, rather than business knowledge or experience, should be reasonably expected to have known, of the obligation to secure the payment of compensation.

Existing law requires the Director of Industrial Relations to require a private self-insuring employer to deposit a surety bond or other specified security approved by the director in an amount determined by the director to secure incurred liabilities for the payment of workers' compensation, with the minimum deposit being \$200,000 or 125% of the private self-insurer's liability for the payment of compensation, whichever is greater.

This bill would instead require every private self-insuring employer to secure incurred liabilities for the payment of compensation by renewing the prior year's security deposit or by making a new deposit of security, with the minimum deposit being 125% of the private self-insurer's estimated future liability plus an amount determined by the director to secure payment of all administrative and legal costs relating to or arising from the employer's self-insuring, but not less than \$200,000, and would make other conforming changes relating to these security deposits.

Existing law permits persons, firms, or corporations in possession of a certificate of consent to administer self-insured employers' workers' compensation claims to contract to administer claims of self-insured employers as a third-party administrator.

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This bill would require a third-party administrator retained by a self-insured employer to administer the employer's workers' compensation claims to estimate the total accrued liability of the employer for the payment of compensation for the employer's annual report to the director and to make the estimate both in good faith and with the exercise of a reasonable degree of care.

This bill would require all self-insured employers to file a self-insurer's annual report in a form prescribed by the director, and would provide specified penalties for failure to submit the report

Existing law requires the director to establish an audit program which will ensure that all workers' compensation self-insured employers are audited within a 3-year cycle

This bill would, in addition, specify that the audit be conducted by the Office of Self Insurance Plans, and require that the audit program address the adequacy of estimates of future liability of claims, claim practices, and payment of workers' compensation benefits to injured workers for all self-insured employers except the state

This bill would require private employers who have ceased to be self-insured employers to discharge their continuing obligations to secure the payment of compensation which accrued during the period of self-insurance by compliance with specified obligations, and would permit the director to impose specified civil penalties for a failure to file a complete or timely annual report, for failure to deposit and maintain a security deposit, and for a failure to timely or completely pay an assessment.

Existing law provides that the surety making payment of workers' compensation shall have the same preference over the other debts of the principal or his or her estate as is given by law to the person directly entitled to the compensation

This bill would, in addition, provide this preference for the Self-Insurers' Security Fund.

Existing law establishes the Self-Insurers' Security Fund governed by a 7-member board of trustees, and provides that the director shall be an ex officio member, with full powers as trustee.

This bill would instead provide that the director shall hold ex officio status, with full powers equal to those of a trustee, except that the director shall not have a vote, would require that the director be counted toward a quorum of trustees, and would require the director or his or her representative to carry out exclusively the responsibilities set forth in the Labor Code

This bill would provide that the director shall not have the obligations of a trustee under the Nonprofit Mutual Benefit Corporation Law, and would require the fund to adopt bylaws to segregate from the director all matters which may involve fund litigation against the department or fund participation in legal proceedings before the director.

Existing law provides the Self-Insurers' Security Fund with the right and obligation to obtain from the security deposit of an insolvent self-insurer the amount of the self-insurer's compensation obligations, including reasonable administrative and legal costs, paid or assumed by the fund. Reimbursement of administrative and legal costs are subject to the approval of the director.

This bill would provide that reimbursement of administrative and legal costs are subject to approval by a majority vote of the fund's trustees, rather than the director

Existing law provides that a private employer which has ceased to be a self-insurer shall continue to be liable for assessments made to fund the Self-Insurer's Security Fund for a period of 3 years from the date they ceased to be self-insured.

This bill would repeal this provision.

This bill would impose a state-mandated local program by requiring local public agencies which are self-insured for workers' compensation purposes to file a self-insurer's annual report in a form prescribed by the director.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

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This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

This bill would take effect immediately as an urgency statute

Ch 1129 (AB 3275) Clute. Computer education competence.

Existing law authorizes the Commission on Teacher Credentialing to grant certificates of competency in specialized teaching fields.

Pursuant to existing law, the Commission on Teacher Credentialing is required to study the effectiveness of the training and performance of teachers and resource personnel in computer education and to report to the Legislature by December 31, 1987

This bill would require the commission, in conducting the study, to consider the feasibility of requiring a certificate of computer education competence, as specified, the appropriateness of requiring a certificate of computer education competence for teaching courses in computer-related educational technology, and the feasibility of utilizing alternative methods for teachers to demonstrate computer education competence for the purpose of meeting credential and certificate requirements

Ch 1130 (AB 3469) Johnston Employment training

Existing law provides for the Employment Training Panel with specified duties with regard to the allocation of the Employment Training Fund for purposes of job training programs

Existing law provides that an employer, for purposes of job training programs, means any employer subject to the unemployment insurance law, except a public entity or a nonprofit organization, as defined

This bill would provide that an employer, for these purposes, means any employer subject to the unemployment insurance law, except a public entity or a nonprofit organization which does not make contributions to the Employment Training Fund pursuant to a specified provision

Existing law provides that an eligible participant in the job training programs includes, among others, any person who, prior to beginning training or employment under the job training provisions, is employed but is determined by the Employment Training Panel to be likely to be displaced and therefore claiming unemployment insurance benefits.

This bill would limit this eligible participant to a person who is employed but is determined by the panel to be likely to be displaced and therefore claiming unemployment insurance benefits because of reductions in overall employment within a business, elimination of the person's current job, or a substantial change in the skills required to remain employed due to technological change or other factors

Existing law requires the Employment Training Panel to report annually to the Legislature by September 30, on projects operating during the previous fiscal year, including separate summaries on specified items

This bill would require the panel to report to the Legislature by November 30, rather than September 30, and would revise the information to be included within the report

Ch 1131 (AB 3497) Molina School facilities: joint occupancy.

Existing law authorizes the governing board of any school district to enter into agreements to make surplus school facility space available to other school districts and authorized entities, as specified

This bill would specifically authorize the governing board of any school district, pursuant to the finding that school overcrowding exists in the district, as defined, to enter into an agreement with any school district or community college district for the use, as necessary, of facilities outside of the territory of the district

This bill would direct the State Department of Education to adopt standards and criteria to govern the determination of school overcrowding

This bill would also require the Superintendent of Public Instruction and the Chancellor of the California Community Colleges, with the assistance of school district governing boards, to develop procedures, as described, for the joint use of community college

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facilities by community college students and high school pupils under any agreement authorizing the use by a school district of those facilities. This bill would thereby impose a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch 1132 (AB 3539) McAlister Local agencies' investments

Existing law, with respect to the investment of the funds of local agencies, provides that there are 2 classes of security for deposits.

This bill would also provide that letters of credit issued by the San Francisco Federal Home Loan Bank, as specified, constitute an additional class of security for deposit

Existing law specifies that the money shall be deposited in any depository selected from those banks and associations agreeing to pay the highest rate of interest

This bill would instead require the money to be deposited in any bank, savings association or federal association, or state credit union, as defined, with the objective of realizing maximum return consistent with prudent financial management.

Existing law provides that the deposit of those funds shall not exceed the total of the paid-in capital, as defined, and surplus of any depository bank except that deposits not exceeding \$500,000 may be made to a savings and loan association as specified.

This bill would provide that the deposit shall not exceed the shareholders equity, as defined, of any depository bank and that deposits not exceeding \$500,000 may be made to a savings association or federal association, as defined and would provide that the deposit to the share accounts of a credit union shall not exceed the total of the unpaired capital and surplus and that the deposit may not exceed \$500,000

Existing law permits the deposit of those funds, contrary to other state laws, if a federal law or rule permits the deposit in specified institutions and provides for the termination of the agreement and deposit if the federal law or rule is removed.

This bill would add state or federal credit unions to those institutions.

Existing law specifies that these funds, when deposited by the local agency treasurer as inactive deposits with a depository, are required to be invested in certain eligible securities or obligations. One of the types of eligible securities is promissory notes secured by first mortgages and first trust deeds upon improved residential real property in California provided that certain conditions are met

This bill would specify additional conditions on the use of promissory notes secured by first mortgages and first trust deeds on improved residential real property in California as eligible securities and would permit the use of letters of credit as eligible securities under specified conditions

Existing law requires that to secure active or inactive deposits a depository shall maintain securities having a market value of at least 10% of all deposits of that depository secured by the pooled securities

This bill would revise those limits, would specify limits for the value of letters of credit deposited, and would revise the certification information required concerning those securities.

Existing law permits the local agency treasurer to waive security for the portion of deposits insured or guaranteed pursuant to state or federal law

This bill would instead permit the treasurer to waive security for the portion of deposits insured or guaranteed pursuant to federal law

Existing law permits the depository to add securities or substitute securities of equal value in the pooled securities, as specified, and permits withdrawal of securities from the pool without replacement at equal value only by a bonded officer or employee of the depository

This bill would permit withdrawal by 2 duly authorized officers or employees of the

depository.

Existing law requires trust companies and others intending to act as agents of depository to comply with certain requirements.

This bill would revise those requirements

Existing law requires the Superintendent of Banks to act as Administrator of Local Agency Security and to issue rules and regulations concerning the deposit of local agency funds to assess and collect fines and impose other sanctions against depositories, to require reports from depositories, and perform other functions.

This bill would permit rather than require the superintendent when acting as the administrator to perform those activities and revise those activities as specified.

Existing law provides that if a depository fails to pay all or part of the deposits of a local agency secured by pooled securities the treasurer shall notify the administrator who shall require the depository to convert the necessary portion of the pooled securities to equal the deposits plus accrued interest.

This bill would also include the reasonable expenses of the agent of the depository in complying with the instructions of the administrator

Existing law specifies that the expenses incurred by the administrator in carrying out duties relating to the deposit of local agency funds shall be borne by the Local Agency Deposit Security Fund. To the extent the fund does not contain sufficient moneys to cover the expenses incurred by the administrator, they shall be borne pro rata on an annual basis by each depository accepting local agency deposits.

This bill would instead require the administrator to levy an assessment on a pro rata basis on those depositories which at any time during the preceding fiscal year held local agency deposits, as specified.

The bill would appropriate \$90,000 from the Local Agency Deposit Security Fund to provide funding to the administrator for additional supervision and enforcement duties as specified.

Ch. 1133 (AB 3012) Papan. California children's services.

Under provisions on interagency responsibilities for providing services to handicapped children, each state department subject to those provisions is required to develop emergency regulations to implement those provisions. Under existing law, those emergency regulations shall not be subject to the review and approval of the Office of Administrative Law and shall not be subject to automatic repeal until 180 days after the regulations take effect.

This bill would specify that those emergency regulations shall not be subject to the review and approval of the Office of Administrative Law until the final regulations take effect on or before May 1, 1987, and the final regulations shall become effective immediately upon filing with the Secretary of State.

Existing law requires the State Department of Health Services to administer a program for services to handicapped children under the California Children's Services Program.

This bill would provide that when the California Children's Service medical therapy unit conference team, based on a medical referral recommending medically necessary occupational or physical therapy, as specified, finds that a handicapped child needs those services, the child is required to be determined eligible for therapy services. It would authorize the California Children's Services medical consultant to ask for further justification of the determination if he or she disagrees with it.

An existing item of the Budget Act of 1986 appropriates funds to the State Department of Mental Health for assessments and case management relative to special education for severely emotionally disturbed children.

This bill would include treatment within the appropriation and provide that the appropriation is for special education pupils pursuant to specified provisions. This would make the bill an appropriation.

An existing item of the Budget Act of 1986 appropriates funds to the State Department of Education for special education programs of which a specified amount is available for transfer to the State Department of Mental Health to conduct assessments.

This bill would also authorize the funds to be transferred for providing mental health

treatment services. This would make the bill an appropriation

The bill would become operative on July 1, 1986.

The bill would declare that it is to become effective immediately as an urgency statute.

Ch. 1134 (AB 3989) Sher Air pollution resource recovery projects.

(1) Existing law requires that any person operating or proposing to operate a solid waste facility acquire a solid waste facilities permit from the enforcement agency, as designated by each county

This bill would impose a state-mandated local program by requiring the enforcement agency, prior to the issuance of a permit for a project which burns municipal solid waste or refuse-derived fuel, to require the project applicant to consider, in its contracts or other commitments for municipal waste, methods to remove recyclable materials prior to incineration.

(2) Under existing law, an air pollution control district or air quality management district is required to issue a permit for the construction of a resource recovery project if the project will utilize the pollution control technology required by the new source review rules of the district, the applicant has made a good faith effort to secure all available emission offsets, as specified, and the project either produces less than 50 megawatts of electricity or produces 50 or more, but less than 80, megawatts and is located in a district which has attained, or is reasonably expected to attain, federal ambient air quality standards for a pollutant for which growth allowances are available or offsets have been secured, as stated, and would process municipal wastes. For a project which produces 50 or more, but less than 80, megawatts the district is required to consider also the potential emission of noncriteria pollutants, develop the permit conditions, and transmit its findings and determinations to the State Energy Resources Conservation and Development Commission for use in the site permit proceedings.

This bill would prohibit a district from issuing or renewing a permit for the construction of, renewing a permit for the operation of, or issuing a determination of compliance for, a project which burns municipal waste or refuse-derived fuel, unless the project will not prevent or interfere with the attainment or maintenance of state and federal ambient air quality standards, will comply with applicable emission limitations and toxic air control measures of the district, the district performs a health risks assessment and submits that assessment to the State Air Resources Board and the State Department of Health Services for review, as specified, and finds and determines, based on its health risk assessment and the comments of the state board and the state department, and any other relevant information, that no significant increase in illness or mortality, as specified, is anticipated as a result of air pollution from the project, and periodic monitoring of emissions is performed pursuant to the district's specifications. The bill would exempt from all these requirements any project which exclusively burns digester gas produced exclusively from manure or other animal solid or semisolid waste, methane gas from a disposal site, or forest, agricultural, wood, or other biomass products.

The bill, by imposing these additional permit requirements on a district, would impose a state-mandated local program.

(3) Existing law generally requires all local agencies to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment.

This bill would specifically extend this requirement to a lead agency with respect to resource recovery projects other than those for which the State Energy Resources Conservation and Development Commission has assumed jurisdiction pursuant to the Warren-Alquist State Energy Resources Conservation and Development Act. By imposing this requirement on local agencies, the bill would impose a state-mandated local program.

(4) The Warren-Alquist State Energy Resources Conservation and Development Act requires site certification of power plants by the State Energy Resources Conservation and Development Commission.

This bill would require the commission to include, in its written decision approving a resource recovery (waste-to-energy) technology site and related facility, specific con-

ditions requiring that the facility be monitored to ensure compliance with the requirements of attainment or maintenance of state and federal ambient air quality standards, compliance with emission limitations and toxic air control measures of the district, and periodic monitoring for compliance therewith, as specified under (2) above.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1135 (AB 1760) Kelley Schools: California School for the Deaf.

Existing law provides that the California School for the Deaf composed of 2 campuses, one for northern, and one for southern California is a part of the public school system of the state and shall be under the administration of the State Department of Education.

This bill would appropriate the proceeds of the sale of specified real property to the State Department of Education, in augmentation of support for state special schools for the 1987-88 fiscal year, for the purpose of installing air-conditioning, as specified.

Ch 1136 (AB 4085) Filante Schools: use of tobacco products.

Existing law provides that no pupil may be suspended from school or recommended for expulsion unless the superintendent or principal determines that the pupil has engaged in certain specified conduct, including the possession or use of tobacco products except as permitted on the campus of a high school by rules and regulations adopted by the governing board of the school district.

This bill would repeal the authority of the governing board of any school district maintaining a high school to adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a high school or while under the authority of school personnel by pupils of the high school and, instead, would provide that no school shall permit the smoking or use of tobacco, or any product containing tobacco or nicotine products, by pupils of the school where the pupils are on campus, or while they are attending school-sponsored activities, or while under the supervision and control of school district employees.

This bill would also expand the grounds for suspension or expulsion to include the possession or use of any product containing tobacco or nicotine, as specified.

Ch. 1137 (AB 3871) Chacon. Elections.

Existing law requires the county clerk, in conducting elections, to furnish various specified items to precinct officers.

This bill would impose a state-mandated local program by requiring the county clerk to also provide at least one easily graspable pen or other writing device and, if voting is done by puncturing a ballot, at least one approved and easily graspable voting stylus.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill would declare the finding of the Legislature that counties have incurred certain costs in anticipation of future requirements to be imposed by this bill, and that the costs should be reimbursed to the counties.

This bill would appropriate a sum not to exceed \$75,000 from the General Fund to the Controller to reimburse counties for those costs. It would require the Controller to consult with the Secretary of State to establish criteria for reimbursement.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1138 (AB 3639) Bradley. Vocational education

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Existing law authorizes high schools, the California Community Colleges, and the California State University to offer courses of instruction in vocational education.

This bill would require that governing boards of school districts and community college districts, in cooperation with the State Board of Education and the Board of Governors of the California Community Colleges, assess the feasibility of articulated "2+2" vocational and professional programs that lead to the associate degree and would thereby constitute a state-mandated local program. This bill would also require that the governing boards of school districts and community college districts work with the Trustees of the California State University and the Regents of the University of California to assess the feasibility of extending this form of articulated preparation to the baccalaureate degree and would thereby constitute a state-mandated local program. This bill would require the California Postsecondary Education Commission to coordinate this assessment. This bill would require the California Postsecondary Education Commission to prepare and submit a report, as specified, no later than January 1, 1988.

This bill would appropriate \$15,000 to the California Postsecondary Education Commission for the purposes of coordinating the assessment and reporting to the Legislature no later than January 1, 1988.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1139 (AB 3542) Lancaster. Life insurers compensation of officers and employees.

(1) Under existing law, the Insurance Commissioner is required to revoke the certificate of authority of a life insurer that pays commissions or other compensation to certain of its directors, officers, or employees contingent upon issuance, procurement of an application for issuance, or renewal of life or disability insurance.

This bill would authorize, rather than require, revocation of the insurer's certificate of authority, and would authorize the commissioner to refuse to issue a certificate of authority, for this cause. The bill would also provide that existing law does not prevent the payment of compensation based on aggregate amounts of insurance issued or outstanding to an officer of the insurer who is not responsible for recommending, underwriting, rating, or otherwise approving insurance risks.

(2) Under existing law, if the commissioner finds after a hearing that an admitted foreign insurer is paying compensation in violation of the above provisions of existing law, the commissioner is required to order discontinuance thereof.

This bill would delete these provisions.

Ch 1140 (AB 4019) Katz. Public records hazardous waste.

Existing law requires all public records to be open to inspection at all times during the office hours of a state agency, including the State Department of Health Services, and any person is authorized to receive a copy of an identifiable public record. An agency is required to respond within 10 days to any request for a copy of records, except that under unusual circumstances, as defined, an agency is authorized to extend this time limit for up to 10 more days, upon notice to the requester.

This bill would make a statement of legislative intent and would prohibit the department from limiting the business hours or days that public records relating to hazardous waste or substances are open for inspection. The department would be required to provide a public record within the time period required by law, except in unusual circumstances, as defined by the bill for these purposes. The bill would specify procedures for requesting public records from the department, including the payment of fees for the cost of copies. The bill would prohibit the department from imposing a copying fee for a public record greater than its direct costs and from imposing limits on the types or amounts of public records which it will provide, as specified. The department would be required to set forth the reasons for any denial of a public record and the names and title of each person responsible for the denial within five days of the denial.

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Ch. 1141 (AB 4252) Farr In-home supportive services.

Under existing law, a recipient under the county-administered In-Home Supportive Services (IHSS) program may elect to hire and pay his or her own service provider, with the recipient's IHSS grant to be sent to the recipient for distribution by the recipient.

This bill would allow any recipient who hires and pays his or her service provider and who has been a recipient for at least a year, to receive his or her IHSS grant through an electronic transfer

Since the bill would alter the manner in which a county would be required to pay IHSS recipients, thereby imposing costs upon the county, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would also require the Controller to offer electronic transfer service to recipients as soon as the option of electronic transfer is available to state employees for the receipt of wages.

Ch. 1142 (SB 831) Robbins Insurance.

Existing law exempts certain persons from licensure as an agent, broker, or solicitor under specified provisions of the Insurance Code.

This bill would additionally exempt an employee of a creditor who secures and forwards information for the purpose of obtaining group credit life, credit disability, or involuntary unemployment insurance, or for enrolling individuals in a group credit life, credit disability, or involuntary unemployment insurance plan or issuing certificates of insurance thereunder where no commission is paid to the employee for those services.

Existing law sets forth conclusive presumptions with respect to the primary and excess automobile liability insurance coverage under specified circumstances and provides that specific forms of self-insurance shall be considered a policy of automobile liability insurance.

This bill would provide that the specified forms of self-insurance do not establish or provide the basis for any other form of liability to a self-insurer, person, or entity holding, issuing, or establishing any form of security, as specified.

Ch. 1143 (SB 1842) Bergeson Transportation farebox recovery transit.

Under the Mills-Alquist-Deddeh Act, in order to be eligible for funds, an operator is required to maintain a specified ratio of fare revenues to operating cost.

This bill would exclude from "operating cost" the costs of providing ridesharing services, as defined, and, until January 1, 1991, liability and casualty insurance premiums and payments in settlement of claims arising out of the operator's liability in determining whether an operator is eligible for allocations under the act even though more than 50% of its budget, after specified deductions, would be funded under the act.

Ch. 1144 (SB 2303) Craven. Judges' Retirement Law disability retirement

A provision of the Judges' Retirement Law, which would remain in effect until January 1, 1987, when it would be repealed unless a later enacted statute deletes or extends that date, authorizes judges retired for disability prior to age 70 to engage in the practice of law or other occupations without loss of retirement allowance if their earnings do not exceed a specified amount per month.

This bill would delete the repealing language and would thereby make that provision effective indefinitely.

Ch. 1145 (SB 2308) Robbins Credit life and disability insurance

Existing law provides that all life insurance and all disability insurance sold in connection with loans or other credit transactions shall be subject to specified provisions of existing law relating to credit life and disability insurance. Existing law defines the term "credit disability insurance" as insurance on a debtor to provide indemnity for payments

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becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.

This bill would exclude from this definition of credit disability insurance any insurance procured at no expense to the debtor. The bill would provide that insurance shall be deemed to have been procured at no expense to the debtor unless the cost of the credit transaction to the debtor varies depending on whether or not the insurance is procured.

Existing law prohibits various practices in connection with credit life or credit disability insurance.

Existing law prohibits the issuance of a contract of credit life or credit disability insurance in the state, on and after January 1, 1987, unless the maker first ascertains, if applicable, that nonadmitted reinsurers have capital and surplus of at least \$1,000,000.

This bill would extend the date for the applicability of this prohibition to January 1, 1988

Ch 1146 (AB 3368) Costa. Counties. financial assistance

Existing law prescribes the methods of distribution of funds received by the state from various sources to local agencies.

This bill would make legislative findings concerning the inability of counties to provide basic programs due to a very severe lack of funds and would state the intent of the Legislature to supplement the funding provided by a specified statute

This bill would enact the Costa-McCorquodale-Keene Distressed County Assistance Act of 1986, and would appropriate \$5,000,000 to the Controller for the 1986-87 fiscal year to be distributed in accordance with a prescribed allocation procedure to eligible counties

The bill would require the Department of Finance to analyze the expenditures for specified programs, and to determine the amount each county has spent on welfare and justice programs. The bill would require the Director of Finance to determine the eligible counties and would require the Controller to issue a warrant to each eligible county, upon direction from the Director of Finance, for the general purpose revenue welfare costs and costs of justice programs, pursuant to a specified formula.

The bill would provide that all warrants issued shall be reduced by the amount appropriated to an eligible county by a specified statute according to a prescribed formula

The bill would provide that the moneys distributed to counties pursuant to the bill may be used for any county purpose.

This bill would declare that it is to take effect immediately as an urgency statute

Ch 1147 (SB 2117) Nielsen. Rural economic development. ¹¹

Under existing law, the Department of Commerce administers various economic development programs.

This bill would enact the McCorquodale-Nielsen-Hauser Rural Economic Development Act of 1986

This bill would establish the Rural Economic Development Promotion Program, to be administered by the Department of Commerce, in order to provide grants to specified eligible counties for various rural economic development promotion purposes.

This bill would establish the Rural Economic Development Infrastructure Program, in order to encourage the revitalization of economically depressed rural areas.

The bill would create the Rural Economic Development Infrastructure Panel, composed of the Secretary of the Business, Transportation and Housing Agency, the Director of the Department of Commerce, the Director of the Office of Local Government Affairs in the Governor's Office of Planning and Research, and 2 public members, one each appointed by the Speaker of the Assembly and the Senate Rules Committee, to establish guidelines for implementing this program

The bill would permit a local agency, as defined, to receive loans and grants for the construction of various types of public facilities, or the rehabilitation, alteration, expansion, or improvement of these public facilities, under specified conditions.

The bill would set forth various criteria which must be met to qualify a project for a loan or grant, as well as information which shall be necessary as part of an application.

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Loans and grants would be awarded by the panel, after submission of applications to the Department of Commerce.

The bill would create the Rural Economic Development Fund, which would be appropriated to the Department of Commerce, for the purposes of implementing the Rural Economic Development Promotion Program and the Rural Economic Development Infrastructure Program, with any moneys remaining in that fund on July 1, 1991, to revert to the Special Account for Capital Outlay

The bill would appropriate \$8,000,000 from the Special Account for Capital Outlay to the Rural Economic Development Fund for allocation to the Rural Economic Development Promotion Program

The bill would appropriate \$143,000 from the General Fund to the Department of Commerce, with \$100,000 to be allocated to the Rural Economic Infrastructure Panel, and \$43,000 for one personnel year to support 2 positions in the Department of Commerce in order to implement the bill

Existing law requires the Director of Commerce to submit an annual report to the Governor, the Legislature and the Secretary of the Business, Transportation and Housing Agency on its activities.

The bill would require the department to report, as part of this annual report, on its activities under the bill

The bill would express the intent of the Legislature that the Rural Economic Development Infrastructure Program will have priority for funding from the Special Account for Capital Outlay in the Budget Act of 1987

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1148 (AB 1892) Elder Sales and use taxes waterborne vessels

Existing law provides for the imposition of a tax upon all retailers for the privilege of selling tangible personal property at retail. Existing law also provides for an excise tax on the storage, use, or other consumption of tangible personal property purchases from a retailer

This bill would require the State Board of Equalization to determine the amount of sales tax in the 1987 tax year attributed to sales to operators of waterborne vessels and to report that amount to the Legislature on or before July 1, 1988.

Ch 1149 (AB 2703) Vasconcellos Claims against the state

This bill would appropriate \$10,612,256 74, as scheduled, to the Secretary of the State Board of Control to settle claims against the state.

The bill would take effect immediately as an urgency statute

Ch 1150 (AB 2861) O'Connell Local education agencies fiscal reports.

Existing law requires each county superintendent of schools and each superintendent of a school district to submit quarterly reports for the 1st and 3rd quarters of each fiscal year to the county board of education and the governing board of the school district, respectively, regarding the financial condition of the county office of education and the district, respectively. The county superintendent of schools and the governing board of each school district are required to certify in writing whether or not the county office of education or the school district, respectively, is able to meet its financial obligations for the remainder of the fiscal year

This bill would instead require 2 reports to be submitted within the time frames specified. The bill also would require that the certifications as to financial obligations be classified as positive, qualified, or negative, as prescribed by the Superintendent of Public Instruction, for the purpose of determining subsequent action by the State Department of Education and the Controller's office that would be required by this bill

This bill would require the superintendent of any county office of education that reported a negative fund or cash balance, as specified, to provide, as specified, a statement identifying the reasons for the negative balance and the steps to be taken to cure the negative balance by fiscal year's end

This bill would impose a state-mandated local program by requiring county superintendents of schools, county boards of education, and school district governing boards to

take specified action in connection with the fiscal affairs of the county offices of education and school districts

This bill would express the Legislature's recognition that school business functions have become increasingly complex and that the prudent use of microcomputers by school districts and county offices of education can improve efficiency in business operations. The bill would require the State Department of Education to take a leadership role in providing school districts and county offices of education that elect to use microcomputers in school business applications with information and other material that will facilitate their use of microcomputers. The bill would authorize the department to make grants, not to exceed \$10,000 each, to develop microcomputer software that will assist school districts and county offices of education. The department also would be required to establish a statewide microcomputer advisory group, as specified. The bill would appropriate \$100,000 to the Superintendent of Public Instruction for these purposes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 1151 (AB 2885) Bronzan Agricultural exports

Existing law provides for the California State World Trade Commission with specified duties concerning international trade as it relates to the overall growth of California's economy.

This bill would require the California State World Trade Commission to review, analyze, and catalogue all significant agricultural trade barriers imposed by nations covered by the General Agreement on Tariffs and Trade. The commission would be required, not later than June 30, 1987, to report its findings and recommendations made under the bill, including information on how it plans to monitor agricultural trade barriers in the future, to the Governor, the Lieutenant Governor, the Secretary of State, the Senate Rules Committee, and the Speaker of the Assembly.

The bill would appropriate \$50,000 from the General Fund to the California State World Trade Commission for implementation of the bill.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1152 (AB 3127) Areias Water well standards

(1) Existing law prescribes procedures pursuant to which counties and cities may be required to adopt ordinances establishing standards of water well and cathodic protection well construction, maintenance, abandonment, and destruction for areas designated by a regional water quality control board.

This bill would, in addition, require each county and city to adopt not later than January 15, 1990, a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance which meets or exceeds standards contained in Department of Water Resources Bulletin 74-81 unless an appropriate water agency, as specified, adopts an ordinance. The bill would thereby impose a state-mandated local program. The bill would define monitoring well for purposes of these provisions.

The bill would require the State Water Resources Control Board to adopt, not later than September 1, 1989, a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing the standards in Bulletin 74-81 and would require that ordinance to be enforced after February 15, 1990, by any county or city which fails to adopt an ordinance as required above, thereby imposing a state-mandated local program, and would specify related matters.

The bill would make legislative findings and declarations in this connection.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1153 (AB 3225) Lewis. Mobilehome parks. abandoned mobilehomes

Nothing in existing law specifies a procedure for the management of a mobilehome park to sell an abandoned mobilehome in the park and its contents for delinquent rent or charges.

This bill would create procedures for determining a mobilehome under 12 feet in width to be abandoned, after compliance with prescribed notice procedures. The process would be commenced by posting a prescribed notice for 30 days and mailing notice, as specified. Subsequent to the 30-day notice period prescribed by the bill, the management of the mobilehome park could petition the municipal or justice court for a judgment of abandonment, as specified. Under the bill, if the petition is granted, the management would be required to inventory the contents of the mobilehome and sell the mobilehome and contents at a public sale, unless a person entitled to possession pays the charges owed. Purchasers at the sale would receive clear title. The Department of Housing and Community Development would be required to register title in the mobilehome to the purchaser, as specified.

The bill would require the proceeds of the sale, over and above the amount to which the mobilehome park is entitled, to be paid to the county treasury, and the mobilehome park management would be required to submit an accounting to the court. The bill would impose a state-mandated local program by requiring the county to hold these proceeds for one year subject to claims of ownership, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1154 (AB 3384) Moore. Public Utilities Commission. advisers

Existing law authorizes the Executive Director of the Public Utilities Commission to employ personnel necessary to carry out the Public Utilities Act and the duties and powers of the commission.

This bill would permit the Governor, upon the request of a commissioner, to appoint an adviser for that commissioner. Each adviser would receive a salary set by the commission with the approval of the Department of Personnel Administration.

Ch. 1155 (AB 3960) Allen. Parks and recreation. off-highway facilities

Under existing law, the Off-Highway Motor Vehicle Recreation Commission in the Department of Parks and Recreation is required to report annually on the status of off-highway motor vehicle recreation generally.

This bill would require the commission to prepare a report regarding the adequacy of existing facilities for the use of off-highway vehicles and to make specific recommendations for expansion and establishment of new facilities. The report would be required to be submitted to the Legislature not later than March 1, 1987. The sum of \$45,000 would be appropriated from the Off-Highway Vehicle Fund to the commission to contract for assistance in preparing the report.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1156 (AB 4278) Hill. Income taxes. diversified management company

Under the existing Bank and Corporation Tax Law, corporations classified as diversified management companies under a specified federal act are designated as exempt organizations.

This bill would instead designate as exempt organizations, corporations, business trusts, or other organizations classified as either a diversified or nondiversified manage-

ment company under that federal act

Under the existing Personal Income Tax Law, a diversified management company meeting the requirements of the provisions discussed above is qualified to pay exempt-interest dividends to its shareholders if, at the close of each quarter of its taxable year, at least 50% of the value of its total assets consists of bonds, interest on which is exempt from taxation under the Constitution or any statute of this state.

This bill would delete the term "diversified" and instead would make those provisions apply to a "management company," or series of that company, as specified, meeting the above requirements for classification as an exempt organization under the Bank and Corporation Tax Law.

This bill would take effect immediately as a tax levy.

Ch 1157 (SB 2035) Morgan Forest practices.

(1) Under the Z'berg-Nejedly Forest Practice Act of 1973, the State Board of Forestry is authorized to adopt additional regulations for timber harvesting plans recommended by individual counties to take into account local needs

This bill would also authorize 5 specified counties to recommend that the board adopt additional regulations for their timber harvesting plans which impose requirements for log hauling route descriptions and encroachment permits. Since a violation of these regulations would be a crime, the bill would impose a state-mandated local program

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1158 (SB 2452) Vuich. Savings associations

(1) Existing provisions of the Savings Association Law regulate the organization and operations of savings associations, which are defined to include mutual or stock savings associations, savings and loan associations, and savings banks subject to that law. Existing law requires the business of these associations to be directed by a board of directors.

This bill would specify that each director and officer has a fiduciary duty to administer the affairs of and provide sound management to the association, and would require each director and officer to subscribe to an oath to that effect prescribed by the Savings and Loan Commissioner

(2) Under existing law, such an association may, subject to regulations of the commissioner, make loans to directors, officers, affiliated persons, parents, or subsidiaries of the association

This bill would make this authorization applicable to loan acquisitions and to the making of loans intended to inure to the benefit of these persons

(3) Existing law prohibits such an association from making a single loan exceeding the net worth of the association, except where authorized by the commissioner.

This bill would instead prohibit, with certain exceptions, the making or purchase of loans with respect to one borrower or on one project exceeding either the association's net worth or 10% of its deposits.

(4) Under existing law, no investment in a real estate loan, as defined, may be made until a qualified person or persons approved by the board of directors of such a savings association has inspected and appraised the security property

This bill would require the person or persons to be engaged directly by the association, require the appraisal to be fully documented, and make these appraisal requirements applicable to investments in real property. The bill would also require review and approval of appraisal reports in support of a loan to be purchased, and would require inspection of the security property if the loan balance is \$1,000,000 or more. The bill would require these appraisal reports to include specified identity information concerning persons signing the report.

(5) Under existing law, such an association that is a subsidiary of a savings and loan holding company may not pay dividends or other payments to its holding company, enter into an agreement, contract, or transaction with its holding company, or transfer

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or register stock or other securities to its holding company if the holding company is in violation of specified provisions of the Savings Association Law

This bill would make these prohibitions applicable if the holding company is in violation of any provision of the Savings Association Law or an order of the commissioner ordering discontinuance of the violation.

(6) Nothing in existing law requires such an association to establish a special reserve in the amount of an asset acquired to evade the Savings Association Law or orders of the commissioner

This bill would require establishment of these reserves, to be excluded from statutory net worth, with respect to assets acquired in an exchange with another association, as specified.

(7) Existing law prohibits such an association from entering into a transaction to buy, lease, sell, or acquire property by gift with an affiliated person unless the association has the commissioner's consent.

This bill would require the consent to be in writing and would make the requirement for consent additionally applicable to modifications of such a transaction and to subsidiaries of such an association dealing with an affiliated person.

(8) Under existing law, the commissioner is authorized to furnish information concerning the operation or condition of any association or organization under the supervision of the Department of Savings and Loan to prescribed federal regulatory authorities and to law enforcement agencies.

This bill would make these provisions applicable to information relating to the condition or operation of any person, rather than to organizations under the supervision of the department and would authorize the commissioner to release this information to state agencies investigating an unsafe or unsound business practice.

(9) Under existing law, the commissioner may assess a prescribed civil penalty against an association failing to submit a timely report, as required by the Savings Association Law

This bill would require the assessment of these penalties, increase the applicable penalties, as specified for reports more than 25 and 60 days late, delete provisions authorizing the commissioner to recover the penalties in a civil action, and authorize the commissioner to grant extensions and waive or reduce these penalties.

(10) Under existing law, the commissioner may require removal of a director, officer, or employee of such an association, a savings and loan holding company, or their subsidiaries who has knowingly participated in an unsafe or unsound practice

This bill would extend these provisions to include breaches of fiduciary duty. The bill would prohibit directors, officers, and employees subject to a final removal order from participating in the affairs of the association or, without the commissioner's approval, serving as a director, officer, or employee of another association. The bill would authorize the commissioner to order such a director, officer, or employee suspended from office or to issue an order prohibiting him or her from participating in the affairs of the association, and would expressly authorize a judicial stay of such an order upon application to a court within 10 days after such an order takes effect.

(11) Since willful violation of the Savings Association Law is a criminal offense, this bill would impose a state-mandated local program by creating new crimes.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(13) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1159 (SB 2310) Carpenter, Refugee assistance

Existing law requires the State Department of Social Services to implement a Refugee Cash Assistance Demonstration project, to the extent federal funds and waivers are available, which includes, among other things, the provision of employment skills training for refugees who are otherwise eligible for Aid to Families with Dependent Children benefits.

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This bill would specify that any refugee covered by that program who has completed over ½ of an approved employment training program shall be allowed to complete that training, unless that refugee has received an offer of employment.

This bill would also specify that to the maximum extent possible, refugees who are unable to speak English but are deemed employable shall be encouraged to enroll concurrently with a class teaching English-as-a-second-language while they are in the employment search component of the demonstration project

Ch. 1160 (SB 1426) Rosenthal Public Utilities Commission appropriation.

Under existing law, the Transportation Rate Fund is composed of fees for permits issued under the Highway Carriers' Act, and is continuously appropriated to the Public Utilities Commission for purposes of administering and enforcing that act, among other things.

This bill would, in addition, appropriate \$235,000 to the commission for the commission's new regulatory program for highway carriers whereby rates are set at a level adequate to support compliance with applicable safety laws and regulations.

Ch. 1161 (SB 1810) L Greene Limitations of actions

Existing law establishes various periods of limitations for the commencement of civil actions. Under existing law, if a person is imprisoned other than for a life term when the action arises, the time of imprisonment is not part of the time limited for commencement of an action

This bill would provide that that provision does not apply to an action other than for damages relating to the conditions of confinement of a prisoner including a federal civil rights action

Ch. 1162 (SB 1791) Carpenter. Emergency medical services.

(1) Existing law defines "hospital" for purposes of the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act as an acute care hospital which satisfies specified licensing requirements and which is licensed by the State Department of Health Services.

This bill would expand this definition to include out-of-state acute care hospitals which substantially satisfy specified licensing requirements and are licensed in the state where they are located

(2) The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act provides, among other things, for the Emergency Medical Services Authority to develop planning and implementation guidelines for emergency medical services systems, as defined Existing law permits each county to develop an emergency medical services program and requires a county developing such a program to designate a local EMS agency Existing law permits a local EMS agency to designate or contract with hospitals within its area of jurisdiction to be base hospitals and requires a base hospital to provide, among other things, medical direction, as specified, for the advanced life support or limited advanced life support, as defined, for the area defined by the local EMS agency

This bill would permit a local EMS agency in rural areas, as determined by the authority, and under certain circumstances, to make use of hospitals which do not have a basic emergency medical service permit if medical control is maintained in accordance with the local EMS agency policies and procedures and the authority's approval is secured It would similarly permit a local EMS agency in certain instances to authorize use of these hospitals for receiving patients requiring emergency medical services

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1163 (SB 2210) Carpenter. Psychology

Existing law requires the Board of Medical Quality Assurance to deny an application for, or issue with terms and conditions, or suspend or revoke, or impose probationary conditions upon, a license or registration as ordered by the Psychology Examining Committee and requires the board to order the suspension or revocation of the license of a psychologist or psychological assistant after a conviction, as specified.

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This bill would transfer that power to the Psychology Examining Committee and would provide that the power is discretionary rather than mandatory.

Ch. 1164 (SB 1860) B. Greene. Pan Pacific Park: Willowbrook State Recreation Area.

(1) Under existing law, the Department of Parks and Recreation's concession contract for Pan Pacific Park may exceed 20 years, if necessary for specified purposes, but in no event may extend beyond March 20, 2028.

This bill would instead prohibit extension of the contract beyond March 20, 2043.

(2) Under existing law, state recreation areas are units of the state park system selected and developed to provide multiple recreational opportunities to meet other than purely local needs.

This bill would authorize the Director of General Services, upon the approval of the Director of Parks and Recreation, to grant and convey the Willowbrook State Recreation Area to the County of Los Angeles on the conditions that the property be used as a public park and recreation area and that park improvements comply with the general plan prepared by the Department of Parks and Recreation. Upon breach of the conditions, the bill would give the state a right to reenter the property and terminate the interest of the county and the property would revert to the state.

Ch. 1165 (SB 2152) Marks. Student aid.

(1) Existing law generally requires that applications for need-based student grants funded by the state or a public postsecondary educational institution be considered in light of the income of the applicant's parents, but prohibits consideration of this income if one of several requirements is met.

This bill would additionally prohibit consideration of the parent's income if the non-custodial parent did not provide court-ordered child support or the support will not continue after the applicant reaches 18 years of age. Since the bill would require a change in procedures by community colleges, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1166 (SB 1859) B. Greene. Health and welfare reporting.

Existing law requires health and welfare agencies to review and develop an annual report to the Legislature identifying options and recommendations for integrating block grants.

Existing law requires the State Department of Mental Health to submit an annual report to the Legislature concerning the implementation of forensic training programs in the next fiscal year.

Existing law requires state hospital advisory boards to report on their activities, findings, and recommendations for transmission through the State Department of Mental Health to the Legislature.

This bill would delete those reporting requirements.

Ch. 1167 (SB 2374) Dills. Public contracts use of securities.

Existing law contains provisions, which are to be repealed on January 1, 1987, which require that provisions shall be included in any invitation for bid on a public agency contract, and in any contract documents, to permit the substitution of securities for any moneys withheld by a public agency to ensure performance under a contract.

This bill would extend the application of this provision to January 1, 1992.

The existing provisions specify which types of securities may be substituted for money.

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withheld by a public agency.

This bill would, in addition, provide that interest-bearing demand deposit accounts, standby letters of credit, or any other types of mutually agreed to securities may be substituted for money withheld by a public agency under a contract.

The bill would further require that, if a contract is to include a provision for the substitution of securities for money withheld by a public agency, the escrow agreement containing the contract provision must be in substantially the form specified in the bill.

Since the bill would extend, as well as modify, the duty of a local agency to include provisions for securities in substitution of public agency contracts in invitations for bid and in contract documents, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 1168 (SB 771) Montoya. Alarm companies.

(1) Existing law defines an alarm agent for purposes of the Alarm Company Act as a person employed by an alarm company operator with specified duties or a person who manages or supervises a person employed by the alarm company to perform those duties. The Alarm Company Act imposes various requirements on alarm agents.

This bill would additionally define an alarm agent as any person in training for those specified duties.

(2) This bill would impose a state-mandated local program by creating new crimes since a violation of any provision of the Alarm Company Act by any person included within the revised definition of alarm agent would constitute a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1169 (SB 1573) Petris. Public postsecondary educational facilities

Existing law contains various methods of financing construction, renovation, and equipping of public educational facilities.

This bill would authorize the State Public Works Board, subject to statutory approval, to finance the acquisition of equipment, or construction, renovation, and equipping of facilities, or both, on sites within the University of California, the California State University, the California Maritime Academy, or the community college districts, utilizing lease or lease-purchase agreements.

The bill would allow financing for these projects through the issuance by the State Public Works Board of certificates, revenue bonds, negotiable notes, or bond anticipation notes.

The bill would permit the University of California, the California State University, the California Maritime Academy, and community college districts to be reimbursed by the state for expenditures for preliminary plans and working drawings for certain capital outlay projects authorized by statute, under specified conditions.

Ch. 1170 (SB 1801) Mello. School facilities.

The existing Leroy F. Greene State School Building Lease-Purchase Law of 1976 authorizes the State Allocation Board to acquire, construct, and complete school facilities. The existing Mello-Roos Community Facilities Act of 1982 provides that a community facilities district may be established to provide, among other things, for the purchase, construction, expansion, or rehabilitation of elementary and secondary school sites and

structures.

This bill would require the State Allocation Board to approve applications requesting the board to share in the cost of any school facilities financed by a community facilities district, as specified.

The bill would require that the ownership of the facilities and the real property upon which the facilities are located be transferred to the State of California if the State Allocation Board shares in any part of the cost of the facilities. The bill also would require that a copy of the deed by which the title is transferred be recorded, as specified, in the office of the county recorder of the county in which the property is located.

Ch 1171 (SB 1771) Marks. Disabled jurors.

(1) Existing law provides that no person shall be excluded from the qualified jury list or deemed incompetent to act as a juror solely because of the loss of sight or hearing in any degree or other disability which substantially impairs or interferes with the person's mobility.

This bill would expand this provision to apply to all impairment or interference with the person's mobility, and to provide, in addition, that no person shall be deemed incompetent to act as a juror solely because of a disability which impedes the person's ability to communicate.

(2) Existing law provides for the services of a sign language interpreter for a deaf juror

This bill would expand that provision to cover readers for sight-impaired jurors and speech interpreters for speech-impaired jurors

Ch. 1172 (SB 1923) McCorquodale Courts continuances

Existing law provides 2 procedures for the continuance of a criminal action, (a) by a written notice filed and served on all parties at least 2 court days in advance, together with written documentation of the necessity therefor; and (b) by motion upon the showing of good cause for the continuance, provided that in the absence of a showing of good cause the court may either impose a fine of up to \$1,000 or file a report with an appropriate disciplinary committee, or both.

This bill would revise the procedure for the continuance of a criminal action upon 2 court days' written notice to also require that within 2 court days of learning that he or she has a conflict in the scheduling of any court hearing, including a trial, an attorney shall notify the calendar clerk of each court involved, in writing indicating which hearing was set first. The bill would authorize superior and municipal courts of a county to adopt local rules relating to notice when the continuance is sought because of a conflict between scheduled appearances in the courts of that county.

Ch 1173 (SB 2421) McCorquodale Dentistry

(1) Existing law makes it unlawful for any person to practice dentistry without a license or special permit.

This bill would specify that the license shall be valid and unexpired.

(2) Existing law sets forth a list of activities which constitute unprofessional conduct for dentists, for which a dentist's license may be revoked or suspended.

This bill would add to that list of activities engaging in the practice of dentistry with an expired license.

(3) Existing law provides that a license issued pursuant to the Dental Practice Act which is not renewed within 5 years after its expiration may not be renewed, restored, reissued, or reinstated, and that the holder of the expired license may apply for and obtain a new license if specified conditions are met.

This bill would specify that the board may place conditions on a license issued under those provisions.

Ch 1174 (SB 1221) Keene Appeals undertakings

Under existing law, the perfecting of an appeal does not stay the enforcement of a money judgment or order unless an undertaking is given for double the amount of the judgment or order, or, if by an admitted surety, for 1½ times the amount of the judgment

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or order

This bill would provide the costs awarded by the trial court shall be included in the amount of the judgment or order for purposes of the undertaking.

Ch. 1175 (SB 1931) Robbins. Schools' educational counseling.

Existing law authorizes the governing board of any school district to provide in each school within the district an organized and functioning counseling program, as specified.

This bill would repeal those provisions and, instead, authorize the governing board of any school district to provide a comprehensive educational counseling program, as defined, for all pupils enrolled in the schools of the district

This bill would define "educational counseling" as a specialized service that provides, at a minimum, certain services enumerated in the bill

Existing law specifies the minimum requirements for the services credential with a specialization in pupil personnel services. Existing law also provides that this credential authorizes the holder to perform the pupil personnel service designated on the credential, which may include, among other things, counseling, psychological, child welfare and attendance services, and school social work

This bill would revise the minimum requirements for the services credential with a specialization in pupil personnel services. This bill would specify that the credential shall authorize the holder to perform pupil personnel services approved by the Commission on Teacher Credentialing and designated on the credential, including school counseling, school psychology, child welfare and attendance services, and school social work.

This bill would permit continued provision of counseling services pursuant to programs established pursuant to existing law, as specified

Ch. 1176 (SB 2405) Rosenthal. Horseracing. samples.

Existing law does not require that samples from race horses be taken in duplicate

This bill would require that any blood, urine, saliva, or other test samples required by the California Horse Racing Board be taken in duplicate if requested by the trainer or the owner of the horse to be tested and sufficient samples are available. The bill would require that one sample be sent to a laboratory designated by the board and the other be sent to a laboratory participating in the National Association of State Racing Commissioners Laboratory Quality Assurance Program. The testing costs of the duplicate sample would be paid for by the requesting party

Ch. 1177 (SB 1693) Roberti. Prisoner's rights. reading material

Existing law specifies as a civil right of a prisoner the right to purchase, receive, or read specified reading material, except that which describes the making of any weapon, explosive, poison, or destructive device

This bill would exclude from the reading material a prisoner is entitled to read that which in the judgment and sole discretion of the Director of Corrections depicts, portrays, or describes a sexual assault upon a correctional employee.

This bill would go into immediate effect as an urgency statute

Ch. 1178 (SB 1998) B. Greene. Safety in employment

Existing law requires the issuance of a permit by the Division of Occupational Safety and Health prior to any employment involving the construction of trenches or excavations which are 5 feet or deeper and into which a person is required to descend, or the construction or demolition of any building, structure, falsework, or scaffold more than 3 stories high or the equivalent height. Any violation is a misdemeanor

This bill would also require the issuance of a permit by the division prior to any employment involving the underground use of diesel engines in work in mines and tunnels, and would make any violation a misdemeanor

Existing law provides that any authorized representative of the division may prohibit use of any part of a place of employment for 24 hours on finding that an imminent hazard exists, that the regional manager of the division may extend this time for an additional 72 hours, and that the division may, after a hearing, extend the time until there is no longer an imminent hazard. The employer may request and receive a hearing on the

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validity of the representative's order within 24 hours after the finding that an imminent hazard exists.

This bill would repeal this provision, and would instead provide that once an authorized representative of the division has prohibited entry in or use of a place of employment, the employer may contest the order and be granted a hearing by the division to review the validity of the order within 24 hours of the employer's request.

Existing law provides that any private employer who violates specified provisions relating to permit requirements shall be assessed a specified civil penalty.

This bill would provide that, until January 1, 1991, any private employer who violates specified provisions relating to permit requirements shall be assessed a specified civil penalty, which in no case shall be less than \$250, would provide that abatement periods for these violations shall be limited to 2 working days, and would provide that the filing of an appeal with the Occupational Safety and Health Appeals Board shall not stay the abatement period.

This bill would require the Division of Occupational Safety and Health to consult with, and provide necessary data to, the Legislative Analyst by October 1, 1989, to enable the Legislative Analyst to evaluate and report its findings on the effect of this bill in the 1990-91 Analysis of the Budget Bill.

This bill would impose a state-mandated local program by creating new misdemeanors.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1179 (SB 1574) L. Greene California Housing Finance Agency.

Existing law requires the California Housing Finance Agency, within 90 days following the close of each fiscal year, to submit an annual report of its activities under the Zenovich-Moscone-Chacon Housing and Home Finance Act for the preceding year to the Governor, the Secretary of the Business and Transportation Agency, the Director of Housing and Community Development, the Treasurer, the Joint Legislative Budget Committee, and the Legislature.

This bill would require the report to include additional information with respect to the proceeds derived by the agency from the issuance of bonds and securities. It would require this additional reporting to commence with the report prepared for the 1986-87 fiscal year.

This bill would incorporate additional changes in Section 51005 of the Health and Safety Code proposed by AB 2051, but only if AB 2051 and this bill are both chaptered and this bill is chaptered last.

Ch. 1180 (SB 1837) Montoya. Counties solid waste disposal and conversion

(1) Existing law requires each county to prepare a solid waste management plan of specified contents, subject to approval of specified cities, regional planning agencies, and the California Waste Management Board, for all waste disposal within the county. The plan is authorized to include elements providing for subregional solid waste management.

This bill would require the plan to provide for waste disposal within the county or any other designated jurisdiction, based upon population and the waste generated and would require the plan to include an analysis of the cost of waste disposal in the designated jurisdiction, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1181 (SB 1928) Watson. AIDS. ARC. Poppers

(1) Under existing law, the State Department of Health Services has various duties relative to information and education programs concerning acquired immune deficiency syndrome.

This bill would require the department to submit a report, on or before January 1, 1988, concerning the definition, estimated incidence, and other specified aspects of AIDS-related condition that results in debilitating and disabling symptoms requiring extensive medical care and treatment. It would require the state department to consult with various groups when developing the report. It would repeal these provisions on January 1, 1989.

(2) This bill would require every person who sells alkyl nitrites to, at the point of sale, as defined, post a specified warning sign. It would require manufacturers or distributors of alkyl nitrites to furnish the signs, as specified.

Ch. 1182 (SB 2049) Montoya. Solid waste. transfer/processing stations.

Existing law, and regulations adopted pursuant thereto, impose various conditions on the establishment and operation of solid waste transfer/processing stations.

This bill would exclude from the statutory definition of a transfer/processing station, for those purposes, the operations premises of a licensed solid waste handling operator who receives, stores, transfers, or processes wastes as an activity incidental to the conduct of the refuse collection and disposal business. The bill would authorize the California Waste Management Board to adopt regulations specifying those operations subject to this exclusion, and would require the board to adopt specified regulations.

Ch. 1183 (SB 2205) Watson. Criminal law: domestic violence.

Existing law authorizes any court with jurisdiction over a criminal matter to issue protective orders upon a good-faith belief that intimidation or dissuasion of a victim or witness has occurred or is reasonably likely to occur.

This bill would state legislative findings and declarations that confusion in the law has caused some courts to incorrectly exclude domestic violence cases from the coverage of protective orders issued pursuant to specified provisions of existing law. This bill would state the legislative intent to ensure that courts shall issue protective, stay-away orders in appropriate domestic violence cases. This bill would include a request that the Judicial Council inform each court with jurisdiction over a criminal matter of this declaration of legislative intent.

Existing law requires law enforcement agencies to maintain a complete and systematic record of all protection orders with respect to domestic violence incidents, restraining orders, and proofs of service in effect for purposes of informing law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of these protection orders.

This bill would include protective, stay-away orders issued in domestic violence cases pursuant to specified provisions of existing law among the records to be maintained by law enforcement agencies.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1184 (SB 2272) Dills. Vehicle stoplamps

(1) Under existing law, a supplemental stoplamp may be mounted inside the rear window of a vehicle at its centerline if constructed and mounted to prevent any light emitted from the device from being visible to the driver.

This bill would allow the light from a monitorial indicator in conjunction with such a supplemental stoplamp to be visible to the driver.

(2) Under existing law, supplemental stoplamps may be mounted on a vehicle to the rear of the rearmost position of the driver's seat.

This bill would impose a state-mandated local program by requiring any supplemental stoplamps installed on a motor vehicle after January 1, 1987, to comply with a specified federal motor vehicle safety standard, a violation of which would be an infraction. The bill would also require a vehicle stoplamp to comply with specified federal safety standards, a violation of which would be an infraction.

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(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1185 (SB 2081) Mello Manufactured homes: mobilehomes definition

Under existing law, a "mobilehome," for purposes of enforcement of highway safety laws and regulations, is defined in the Vehicle Code as a trailer coach which is more than 8 feet wide or more than 40 feet long. A "manufactured home" is also defined to include, among other things, a trailer coach more than 8 feet wide or more than 40 feet long.

This bill would redefine a mobilehome for these purposes, and a "manufactured home," in part, as a trailer coach which is more than 102 inches wide, or more than 40 feet long measured from the foremost point of the trailer hitch to the rear extremity of the trailer

Ch. 1186 (SB 2253) Keene Indian fishing rights agreements and compacts

Under existing law, the Director of Fish and Game has no power to regulate Indian fishing on federal reservations

This bill would authorize the director to enter into a mutual agreement or compact with the Hoopa Valley Indian Tribal Council and the Bureau of Indian Affairs relating to Indian fishing and commercial sales of fish allocated, as specified, to Indian members of the Klamath River Indian Tribes, as defined

The bill would require the Department of Fish and Game to make annual reports on the agreements or compacts to the Fish and Game Commission and to the Legislature

Ch. 1187 (SB 2424) Torres. Hazardous waste enforcement

(1) Existing law provides for the enforcement of hazardous waste laws and regulations by, among other things, the imposition of civil penalties, the issuance of injunctions, and the issuance of orders by the Director of Health Services. Existing law requires all civil and criminal penalties collected for violation of specified provisions of the hazardous waste control law to be apportioned so that 50% is deposited in the Hazardous Waste Control Account, 25% is paid to the office of the city attorney, the district attorney, or the Attorney General, whichever office brought the action, and 25% is paid to the State Department of Health Services to fund specified activities of local health officers

Existing law also authorizes the department, for specified reasons, to suspend, revoke, or deny an application for the registration of a hazardous waste hauler and to suspend or revoke the certification of a vehicle or container used to haul hazardous waste pursuant to specified administrative adjudication provisions

Existing law authorizes the department to issue hazardous waste facilities permits and to suspend or revoke any permit under specified circumstances. Existing law authorizes the department to take action against an applicant for a hazardous waste facilities permit who withdraws the application.

This bill would declare that its provisions are to be known and cited as the "Hazardous Waste Enforcement Act of 1986." The bill would repeal the definition of "hazardous" for purposes of the hazardous waste control laws

The bill would revise and recast these enforcement provisions

The bill would revise the grounds for the denial, suspension, or revocation of a permit, certificate, or registration. The bill would specify procedures for the denial, suspension, or withdrawal and would allow the department to temporarily suspend any permit, registration, or certificate prior to a hearing if the department makes a specified determination. The bill would allow the department to also take action against an applicant for a certificate or registration who withdraws the application.

The bill would revise the inspection authority of an authorized representative of the department or a local health officer concerning the taking of samples. The bill would authorize the department, consistent with specified federal laws, to require the owner or operator of a hazardous waste facility, any person who manages or enters into a contract to manage hazardous waste, any hazardous waste hauler, any permit, certifi-

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cate, or registration applicant, or any person who has engaged in these activities, to provide specified information. The bill would revise the procedures for the issuance of a director's order, to allow the department to issue an order, including allowing an order to take effect upon issuance if the department makes a specified finding.

The bill would authorize the department to impose administrative civil liability pursuant to a specified procedure, upon any person otherwise subject to a civil penalty.

The bill would require that 50% of all civil and criminal penalties so collected be paid to the state or local agency which investigated the action, to be apportioned as specified, and 50% to the office of the city attorney, the district attorney, or the Attorney General, whichever office brought the action. The bill would require that any penalties collected by a state agency pursuant to this provision be deposited in a subaccount in the Hazardous Waste Control Account.

The bill would require that \$200 of each penalty collected be deposited in the Hazardous Waste Enforcement Training Fund, which this bill would create in the General Fund. The bill would authorize the Office of Criminal Justice Planning to expend the moneys in the Hazardous Waste Enforcement Training Fund, upon appropriation by the Legislature, to support hazardous waste and hazardous materials enforcement training.

The bill would also provide for the apportionment of civil penalties collected administratively.

The bill would require the enforcement coordinator who administers the Hazardous Waste Enforcement Unit to take certain actions concerning transmitting information of hazardous waste violations and to submit an annual report to the Governor and the Legislature on hazardous waste law enforcement.

The bill would expand the membership on the Hazardous Waste Strike Force to include representatives of the department and the Attorney General.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by requiring local agencies which generate, store, or otherwise handle hazardous waste to provide specified information and by creating a new crime.

This bill would declare that there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions and that also no reimbursement is required for changes regarding crimes, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1188 (SB 872) Petris Agricultural research.

Under existing law, the Regents of the University of California are charged with the duty of administering the university, which carries out various research and educational projects.

This bill would enact the "Sustainable Agriculture Research and Education Act of 1986," which would declare it to be the intent of the Legislature that the regents establish the Sustainable Agriculture Research and Education Program to provide for competitive grants and other matters to change farming techniques, as specified. To assist in this program, if it is established by the regents, the President of the University of California would be required to appoint a Program Advisory Committee and a Technical Advisory Committee with prescribed duties. If the program is established by the regents, the regents would be required to report on January 1, 1988, and then biennially to the Legislature on the program. The program would be required to be established from existing resources.

Ch 1189 (SB 1989) Robbins California State University: boards and commissions

Existing law specifies that the membership of the Board of Trustees of the California State University include, among others, a tenured member of the faculty of the California State University and a student from a California state university or college, each of

whom is appointed by the Governor, as specified, to serve a 2-year term.

This bill would extend the terms of office of the faculty member and student member of the board whose terms were scheduled to expire on December 31, 1986, to June 30, 1987, and would provide that thereafter, each 2-year term of office shall commence on July 1 and expire on June 30

Existing law provides procedures and limitations regarding the procurement of materials, supplies, equipment, and services by the state, as specified, with exemptions from these provisions for certain individuals and entities

This bill would expand these exemptions to include those individuals who are members of boards or commissions who receive no payment other than payment for each meeting of the board or commission, payment for preparatory time, or payment for per diem, and would state that these provisions are declaratory of existing law

The existing California State University Contract Law requires Trustees of the California State University, as to contracts that exceed \$150,000, to require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in performing public works. The trustees, as to contracts of a lower amount, are authorized to require that information from prospective bidders

This bill would increase the above referenced contract amount to \$300,000.

Ch 1190 (SB 2088) L. Greene. Housing. revenue bonds

(1) Existing law requires a city, county, or city and county to provide one or more of several specified regulatory concessions or incentives to a developer who agrees to construct a housing development with 20% of the units reserved for occupancy by lower income persons and families. Existing law requires the units to be reserved for occupancy for a specified period of time

This bill would exempt certain units financed under specified provisions of federal law from the latter requirement.

(2) Various provisions of existing law regulate the amount of rental payments on governmentally assisted housing units

This bill would exclude certain supplemental rental payments from the calculation of those payments

(3) Existing law authorizes any city or county to issue revenue bonds for the purpose of financing the construction or development of multifamily rental housing and for the provision of capital improvements in connection with that housing. Existing law requires any city or county which issues bonds for that purpose to notify the Mortgage Bond Allocation Committee of the amount of bonds issued within 5 days of issuing the bonds

This bill would, instead, require that the city or county give that notification within 5 days, exclusive of weekends and holidays.

(4) This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1191 (SB 2233) McCorquodale. Education. instructional time: early-late reading programs

Existing law specifies the manner of calculating instructional time for early-late reading programs in grades 1 through 8 for purposes of incentive funding for school districts that offer a longer instructional day and year.

This bill would include kindergarten in the formula for computing this instructional time.

Ch 1192 (SB 2203) Watson. Education

Existing law directs the Superintendent of Public Instruction to determine an adult block entitlement for each school district that maintains education programs for adults, including parenting programs, as specified.

This bill would direct the superintendent to additionally include, in the calculation of the adult block entitlement for any school district that maintains specified parenting programs, funding on the basis of the average daily attendance in the district in programs for the parents of high-risk pupils, as defined, involving instruction in specified issues relating to pupil participation in the educational process.

This bill would expand the provisions defining eligibility for enrollment in courses of adult education to permit any minor, regardless of age, who is pregnant or is actively raising one or more of his or her children, to attend any adult education course in parenting, as specified. This bill would specifically authorize a school district to count the attendance of these pupils in the computation of the adult average daily attendance for funding purposes, as specified.

Existing law requires that, for school districts and schools that participate in school-based coordinated categorical programs, pursuant to specified provisions, school site councils must develop a school plan for increasing the retention rate for all pupils. The district governing board would then approve or disapprove the plan. If approved, the plan would be submitted to the Superintendent of Public Instruction for review and approval or disapproval.

This bill would delete the requirement for approval by the superintendent and instead would require that the superintendent request that the school plans be in compliance with specified provisions relating to school-based motivation and maintenance programs.

This bill would expressly provide that the funds authorized to be apportioned by the superintendent in accordance with specified provisions regarding school-based categorical programs also shall be apportioned in accordance with specified provisions relating to school-based motivation and maintenance programs.

Ch. 1193 (SB 507) Rosenthal Kosher food

(1) Existing law requires, until January 1, 1987, any person, who sells fresh meat or poultry advertised or represented to be kosher, to retain specified records from the packer or producer of the meat or poultry for one year and to make these records available to the Department of Food and Agriculture. Violation of these provisions is a misdemeanor. The Director of Food and Agriculture is required, as a pilot program, to enforce these requirements in Los Angeles County until January 1, 1987, if adequate funding is available.

This bill would require that the records be retained on the premises, would extend the pilot program to include the Counties of Alameda, Orange, San Diego, and Santa Clara, and the City and County of San Francisco, and would extend the effective date of these provisions to July 1, 1988, thus imposing a state-mandated local program by continuing the existence of a misdemeanor.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would appropriate \$100,000 to the department to carry out the pilot program.

Ch. 1194 (SB 111) Carpenter Dental disease prevention programs

Existing law authorizes dental disease prevention programs for children in school. These provisions are scheduled to be repealed December 31, 1986.

This bill would revise these provisions to, among other things, make the programs available to children in preschool through 6th grade, rather than kindergarten through 6th grade, and to individuals with exceptional needs, and to specify that classes in these programs may be offered by both public and private nonprofit agencies approved by the State Department of Health Services. The bill would also extend indefinitely the authorization for these programs. It would prescribe a schedule for reimbursement by the department of local sponsors of approved programs for fiscal year 1986-87 and each fiscal year thereafter, per participating child per year for administration and services.

Ch. 1195 (SB 2326) Royce. Business development

Existing provisions of the Small Business Development Corporation Law provide for the creation of small business development corporations, urban development corporations, and rural development corporations, and the allocation of funds by the Small

Business Development Board to those corporations for use as loan guarantee funds for specified purposes.

This bill would define "small business loan" to mean a loan to a small business that will create or retain employment as a result of the loan, as specified.

Under existing law, the state has a residual interest in funds deposited by the state to a loan guarantee fund and to the return on the funds from investment.

This bill would provide that funds allocated to a corporation and the return on investment remain state funds, and would require each corporation to enter into an agreement to that effect.

Existing law permits a client of a corporation to submit certain decisions for determination by the Office of Small Business

This bill would provide for review instead of determination.

Existing law prohibits loans unless certain conditions are met

This bill would, in addition, require a reasonable prospect of repayment, and [that]* the generation or retention of jobs by employment incentive borrowers equal or exceed the numbers specified by statute or the job generation or retention of small business borrowers demonstrates reasonable conformance to specified guidelines.

This bill would authorize the establishment of new regional corporations, as specified

Existing law requires the corporations to guarantee loans whenever possible but permits direct lending in some circumstances

This bill would permit an interim loan for firms that have received a Small Business Innovation Research Grant, as specified.

Existing law authorizes the Department of Commerce to administer an Economic Development Grants and Loan Fund

This bill would authorize the department to adopt regulations for that purpose

This bill would also correct references in the Small Business Development Law by changing references to the Office of Small Business Development and Department of Economic and Business Development to the Office of Small Business and Department of Commerce, respectively.

Ch 1196 (SB 417) Hart. Student financial aid. California State Work-Study Program.

Under existing law, the Student Aid Commission administers various student financial aid programs

This bill would create the California State Work-Study Program, to be administered by the commission, to provide eligible college and university students with the opportunity to earn money to help defray their educational costs, while gaining experience in educationally beneficial or career-related employment For the 1987-88 fiscal year, the commission would be directed, in consultation with an advisory committee, to select between 15 and 25 educational institutions to participate in the program

This bill would limit the participation in this program by private institutions pursuant to the California Constitution, as specified.

This bill would appropriate \$200,000 to the Student Aid Commission for purposes of the California State Work-Study Program, for allocation according to a specified schedule

This bill would state the intent of the Legislature that funding for the purposes of Sections 1 and 2 of this bill for the 1987-88 fiscal year, and each fiscal year thereafter, be appropriated in the annual Budget Act

Ch 1197 (SB 1571) B. Greene Unemployment insurance retraining benefits

Existing law provides an additional maximum of 26 weeks of unemployment compensation benefits for an unemployed individual who has been laid off as a result of a plant closure and who, by December 31, 1985, applies for, and is eligible for, retraining benefits

This bill would repeal this provision

Existing law provides an additional maximum of 52 weeks of unemployment compensation benefits for an unemployed individual who, no later than the 16th week of unemployment, applies for, and is eligible for, retraining benefits. This provision would

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remain in effect only until \$20,000,000 is expended from the Unemployment Fund, or until January 1, 1987, whichever date occurs first

This bill would delete the repeal of the above provision, so that it would remain in effect until January 1, 1988, when it would be repealed by other provisions

This bill would impose a state-mandated local program by extending the effective date of retraining benefits, thus requiring employers, including local public agencies, to continue contributions to the Unemployment Fund for these purposes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1198 (SB 1677) Carpenter. Pharmacy

Existing law authorizes certain licensed nonprofit community clinics and free clinics to purchase drugs at wholesale for administration or dispensing provided they obtain a permit from the State Board of Pharmacy and maintain records, as specified

This bill would provide authorization for surgical clinics, as defined, to purchase drugs at wholesale for administration or for dispensing, under the direction of a physician and surgeon, to patients registered for care at the clinic, provided the clinic obtains a permit, as specified, and maintains records, as specified. The bill would prohibit a surgical clinic from operating without a permit from the board on and after July 1, 1988. The bill would additionally provide that no clinic holding a permit pursuant to those provisions shall offer drugs for sale or charge for professional services for dispensing of drugs and would limit the drugs dispensed in a clinic to a 72-hour supply, except as specified.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Pharmacy Board Contingent Fund. Because this bill would increase the amount of moneys in that fund, it would constitute an appropriation

Ch 1199 (SB 2580) Petris Real property: rental rates.

(1) Under existing law, rental rates for real property are established by contractual agreement of the landlord and tenant, in the absence of state or local law to the contrary

This bill would prohibit an owner of a residential rental unit who is in substantial compliance with an ordinance or charter that controls or establishes a system of controls on the price at which those units may be offered for rent or lease and which requires the registration of rents, or any regulation adopted pursuant thereto, from being assessed a penalty or any other sanction for noncompliance with the ordinance, charter, or regulation, under specified circumstances. The bill would provide that restitution to the tenant or recovery of the registration or filing fees due to the local agency are the exclusive remedies that may be imposed against an owner who is in substantial compliance with the ordinance, charter, or regulation.

This bill would generally require that any ordinance or charter which controls or establishes that system of controls, or any regulation adopted pursuant thereto, and which requires the registration of rents, shall provide for the establishment and certification of permissible rent levels for the registered rental units and any changes thereafter to those rent levels by the local agency. This requirement would impose a state-mandated local program.

This bill would also impose a state-mandated local program by requiring a local agency, as defined, to provide a certificate of the permissible rent levels of the rental unit upon the request of the landlord or tenant. The bill would permit the local agency to charge the person to whom the certificate is issued a fee in the amount necessary to cover the reasonable costs incurred by the local agency in issuing the certificate.

The bill would expressly provide that the certificate of permissible rent levels is a public record for purposes of the California Public Records Act

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and

other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch 1200 (SB 1858) Rosenthal. Income taxes: bank and corporation taxes: solar credits

Existing provisions of both the Personal Income Tax Law and the Bank and Corporation Tax Law authorize, for taxable or income years beginning before January 1, 1987, each taxpayer to deduct from the taxes imposed by the applicable law a credit equal to various specified percentages of the acquisition and installation cost of solar energy systems. For systems installed after July 31, 1985, a multifamily dwelling, as defined, is eligible for a larger credit than a single-family dwelling, as defined.

This bill would provide that a multifamily dwelling includes buildings and any other common areas of a condominium maintained by a homeowners' association

Existing law provides that a taxpayer or any other party who has undertaken significant construction or expenditures associated with the acquisition or installation of a solar energy system on or before October 31, 1986, shall be eligible for the tax credit in the taxable or income year in which the system is installed if the installation is completed on or before June 30, 1987

This bill would provide that a taxpayer or any other party who has undertaken significant construction or expenditures associated with the acquisition or installation of a solar energy system, other than certain wind-related systems, on or before October 31, 1986, shall be eligible for the tax credit authorized by this section in the taxable or income year in which the system is installed if the installation is completed on or before December 31, 1987

This bill would take effect immediately as a tax levy

Ch 1201 (SB 1722) Carpenter. Property taxation: payments. sales tax: mobile-homes.

Existing property tax law requires the county tax collector to notify the taxpayer of an overpayment of property taxes and of the taxpayer's right to file a claim for refund of the overpayment

This bill would impose a state-mandated local program by requiring the tax collector to return a replicated tax payment to the tendering party within 60 days of receipt of the payment and by requiring the payment of interest, as specified, on any replicated payment not returned within the 60 days.

The existing Sales and Use Tax Law provides that "sales price" for the purposes of the state and local sales and use taxes on the sale or use of a used mobilehome shall be based on the current value of the used mobilehome as determined by a recognized value guide, as specified, in connection with designated sales. It provides that if the value guide does not specify the model or manufacturer of a used mobilehome, the "sales price" is required to be established pursuant to a specified provision of the value guide or the actual sales price, as defined, whichever is less

This bill would require the State Board of Equalization to conduct a study regarding the practices of collection and assessment of sales and use tax on the sale of a new or used mobilehome, as specified. It would require the State Board of Equalization to report to the Legislature before January 1, 1988, on the results of this study and its recommendations for corrective action or legislation

This bill would appropriate \$64,000 from the Mobilehome-Manufactured Home Revolving Fund to the State Board of Equalization to conduct the required study.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates

Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1202 (SB 1495) B. Greene. Unemployment insurance shared work.

Existing law permits a person to receive unemployment insurance benefits if he or she works less than the normal workweek under a plan for participation in a shared work unemployment compensation benefit program which is approved by the Director of Employment Development, and certain other conditions are met

Existing law provides that this program shall remain in effect only until December 31, 1986.

This bill would reenact the shared work unemployment compensation benefit program described above.

Ch 1203 (SB 1454) B. Greene. Local agencies. fees.

(1) Existing law specifies that certain fees imposed by a local agency shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of that cost is submitted to, and approved by, $\frac{2}{3}$ of the voters voting on the issue.

This bill would also make that requirement applicable to the imposition of capacity charges, as defined.

(2) Existing provisions of law relating to the review and approval of development projects permit a party to protest the establishment or imposition of fees, taxes, assessments, dedications, reservations, or other exactions on a development or development project.

This bill would require that the party protesting be the party upon whom the tax, fee, assessment, dedication, reservation, or other exaction is imposed

This bill would also provide that any fee or monetary exaction, imposed as a condition of approving a development or development project, shall not exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed. The bill would declare that this requirement is declaratory of existing law and is not to be construed or interpreted as creating new law or changing existing law

Ch. 1204 (SB 1779) Rosenthal. Electrical and gas corporations' plant held for future use

Under existing law, the Public Utilities Commission is required to review the status of all property of an electrical or gas corporation carried in its plant held for future use account at least once every 3 years or during a rate proceeding for the corporation, and if the commission finds that any of that property which had been included by the commission in establishing the corporation's rates has been sold, the commission is required to allocate any gains from the sale to the corporation's customers as specified.

This bill would instead direct the commission to determine what portion of any gains from the sale of property carried within the plant held for future use account is to be allocated to the customers of the corporation, and to make that allocation as specified

Ch. 1205 (SB 1314) Carpenter Business and professions experts and contractors

Existing law authorizes specified boards under the provisions of the Business and Professions Code to appoint assistants to aid in the investigation into the actions of licensees of those boards.

This bill would provide that legal assistance shall be provided to a person supplying expertise to a board under the provisions of the Business and Professions Code in the evaluation of the conduct of applicants or licensees, if a civil action is brought against that person arising out of the evaluation or any opinions rendered, statements made, or testimony given to the board. The bill would also provide that a board shall not be liable for any judgment rendered against the person, the Attorney General shall be utilized in the action, and the services of the Attorney General shall be a charge against the board.

Existing law provides that if a contractor licensee or an applicant for a contractor's license does not comply with an order of correction or a final order to pay a civil penalty, the noncompliance is a ground for suspension, revocation, or denial of a license. Orders of correction and orders to pay civil penalties are components of the citation which may be issued when there is a violation requiring disciplinary action.

This bill would clarify that if a licensee or an applicant for licensure does not comply with a citation after it is final, the noncompliance would be a ground for suspension, revocation, or denial of a license, as specified

Ch 1206 (SB 1997) B. Greene. Unemployment insurance.

Existing law provides for the Unemployment Fund as a special fund administered by the Director of Employment Development and continuously appropriated for the purposes of providing unemployment compensation.

Existing law also provides for the Employment Training Fund which is allocated by the Employment Training Panel to fund employment training programs and associated administrative costs

This bill would appropriate \$20,000,000 from the Employment Training Fund to the Unemployment Fund, and would require this amount to be credited to each positive reserve employer account, as specified.

This bill would become operative on June 30, 1986.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1207 (SB 2341) Lockyer. Judicial Council. records

The Judicial Council exercises various duties under the Constitution, including the duty to survey judicial business and make recommendations to the courts to improve the administration of justice.

This bill would require the Judicial Council to provide for the uniform entry, storage, and retrieval of specified court data relating to civil cases in superior court, as specified

Ch 1208 (SB 2583) Carpenter. Secretary of State- state central committees

Existing law requires the Secretary of State to keep and file appointments to each state and county central committee delivered to him or her, and requires the county clerk to notify the Secretary of State of the election or appointment of members of a county central committee for each qualified political party.

This bill would delete this requirement and enact similar provisions. Among other things, it would require the Secretary of State to file and keep lists of members of state and county central committees, and would require the state chair of each qualified political party to send to the Secretary of State a list of its party's officers and other information, as specified.

Existing law requires the Secretary of State to perform various administrative functions with respect to the meetings of the state central committees of the Democratic and the Republican parties

This bill would delete the Secretary of State from these provisions and would substitute the state central committee of the Democratic and Republican parties, respectively, to perform the various administrative functions, as specified.

Existing law requires the 1st meeting of the Republican State Central Committee to be convened not less than 15 nor more than 45 days after the organizational meetings of the county central committees.

This bill would, instead, require that meeting to be convened not less than 15 nor more than 60 days after those organizational meetings

Ch. 1209 (SB 1980) Marks Subpoenas.

Existing law requires a subpoena duces tecum for the production of personal records to be served in sufficient time to allow the witness a reasonable time to locate and produce the records or copies thereof. The law defines personal records as, among other things, writing pertaining to a consumer and which are maintained by any "witness" which is a physician, hospital, bank, or others, as specified.

This bill would include a pharmacist and a pharmacy in the definition of a witness for

those purposes

This bill would incorporate additional changes in Section 1985.3 of the Code of Civil Procedure, proposed by AB 3924, to be operative only if AB 3924 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

Ch 1210 (SB 1636) Lockyer. Child abductions.

Existing law makes it either a misdemeanor or felony for a person having a right of custody to maliciously take, detain, conceal, or entice away the child without good cause, and with the intent to deprive the custody right of another person or public agency also having a right of custody of the child

This bill would define the term "good cause" to mean a good faith belief that the taking, detaining, concealing, or enticing away of the child is necessary to protect the child from immediate bodily injury or emotional harm

This bill would declare that it would take effect immediately as an urgency statute.

Ch 1211 (SB 2570) Lockyer Attorney's fees

Existing law permits the district attorney of any county or the prosecuting attorney of any city to bring civil actions to enforce the payment of wages, and permits any wage claimant to sue directly for any wages or benefits which are due

This bill would provide that in any action for the nonpayment of wages, fringe benefits, or health and welfare or pension fund contributions, except certain specified actions, the court would be required to award reasonable attorney's fees and costs to the prevailing party if any party to the action requests attorney's fees and costs upon the initiation of the action.

Existing law provides that where a party to a collective bargaining agreement appeals the decision of an arbitrator regarding disputes concerning the collective bargaining agreement, the court shall award attorney's fees to the prevailing appellee unless the appellant has raised substantial issues involving complex or significant questions of law.

This bill would, in addition, provide that where a party to a collective bargaining agreement prevails in a court action to compel compliance with the decision or award of an arbitrator or a grievance panel regarding disputes concerning the collective bargaining agreement, the court shall award attorney's fees to the prevailing party unless the other party has raised substantial issues involving complex or significant questions of law.

Ch 1212 (SB 2382) Robbins Vehicle and vessel registration and engines.

(1) Existing law prohibits any person from driving, moving, or leaving standing upon a highway, or in an offstreet public parking facility, any motor vehicle as specified, unless it is registered in this state and appropriate fees have been paid. Existing law provides various exemptions to those registration requirements, including an exemption for any nonresident owner of a vehicle registered in a foreign state who is a member of the armed forces of the United States, if that nonresident owner satisfies specified requirements

This bill would exempt from those registration requirements any resident owner of a vehicle registered in a foreign jurisdiction who is a member of the armed forces of the United States returning from active duty in a foreign state, if that resident owner meets the same requirements specified for a nonresident military person

(2) Under existing law, the Department of Motor Vehicles may seize any vehicle when its registration is delinquent or any vehicle of the owner of a vehicle whose registration is delinquent. A specified hearing is required before the vehicle may be sold.

This bill would specifically recognize the right of the owner of a seized vehicle to seek judicial review of the order of the department to seize the vehicle. The bill would require that any action for judicial review be commenced within 90 days from the date notice is given of the order. The bill would require the department, upon final completion of all administrative appeals, to give the owner written notice of his or her right to judicial review of the order

(3) Existing law requires the owner of an undocumented vessel numbered under the Vehicle Code to notify the department within 5 days of the sale or transfer of any interest

in the vessel

This bill would instead require that notification to be made to the department immediately. Under other provisions, a violation of this requirement would be a crime, thereby imposing a state-mandated local program.

(4) Existing law requires that when the horsepower of the engine of any new motor vehicle under 6,000 pounds gross vehicle weight is advertised or referenced in specified publications, only the horsepower rating as determined pursuant to a specified Society of Automotive Engineers standard shall be used

This bill would change the reference to the particular S.A.E. standard designated for these purposes.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1213 (SB 491) Montoya Real estate licensees: continuing education.

Existing law generally requires an applicant for renewal of a real estate license to have successfully completed in the 4-year period preceding the renewal application 45 clock hours of education, as specified, including, among other courses, not less than 21 clock hours of courses or programs related to consumer protection, as specified, and a 3-hour course in ethics, professional conduct, and legal aspects of real estate, as specified.

This bill would also require the completion of a 3-hour course in agency relationships and duties in a real estate brokerage practice, and instruction in the disclosures to be made and the confidences to be kept in the various agency relationships between licensees and the parties to real estate transactions. The bill would reduce from 21 to 18 the number of clock hours of courses or programs related to consumer protection. The bill's provisions would become operative on July 1, 1987.

Ch 1214 (SB 2022) L. Greene Crimes. vehicles.

(1) Existing law provides that any person who drives or takes a vehicle not his or her own, without the consent of the owner, and with intent either to permanently or temporarily deprive the owner of his or her title or possession of the vehicle, whether with or without intent to steal the vehicle, or any person who is a party, accessory, or accomplice to that action, is guilty of a public offense punishable by imprisonment in the county jail for not more than one year or in the state prison, or by a fine of not more than \$5,000, or by both the fine and imprisonment. Existing law provides that, if the commission of this offense involves an ambulance or distinctively marked law enforcement or fire department vehicle taken while it is on an emergency call, the offense is a felony punishable by imprisonment in the state prison for 2, 3, or 4 years or by a fine of not more than \$10,000, or by both the fine and imprisonment.

This bill would provide that, if the above offense involves a vehicle which has been modified for the use of a disabled veteran or any other disabled person and which displays a distinguishing license plate or placard, and this fact is known or should reasonably have been known by the person committing the offense, or a party or accessory thereto, the offense would be punishable as a felony by imprisonment in the state prison for 2, 3, or 4 years or by a fine of not more than \$10,000, or by both the fine and imprisonment.

(2) Existing law provides that the offenses of breaking or removing vehicle parts and malicious mischief to a vehicle are misdemeanors punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than 6 months, or by both the fine and imprisonment.

This bill would provide that, if the above offenses involve a vehicle which has been modified for the use of a disabled veteran or any other disabled person and which displays a distinguishing license plate or placard, and this fact is known or should reasonably have been known by the person committing the offense, the offenses would be punished by a fine of not more than \$2,000 or by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment. This provision would impose

a state-mandated local program by increasing the penalties for existing crimes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1215 (SB 2053) Marks. California Senior Honors Program.

Existing law does not provide for recognition of contributions made by seniors.

This bill would provide that each year the Governor shall present one award in each of 3 categories to 3 outstanding California seniors in recognition of their individual contributions to either community service, education, or the arts. It would require these awards to be presented to 3 seniors selected from a list of 33 candidates compiled annually by the California Commission on Aging, which would be required to solicit candidates from a broad variety of senior organizations and senior service providers in each of the state's 33 planning and service areas

Ch. 1216 (SB 2454) Marks. Confidentiality of health records.

Existing law provides for the confidentiality of the identity of a person subject to a blood test to detect antibodies to the probable causative agent of AIDS and the results of this blood test.

Existing law prohibits the disclosure of any confidential research record, as defined, developed, or acquired in the course of conducting research or a research study relating to AIDS, except as specified.

This bill would make certain public health records relating to AIDS confidential, as specified. It would permit disclosure in certain instances. It would provide a civil penalty for certain disclosures of these records. It would make a conforming change to the AIDS confidential research record law described above. It would make clear that existing law relative to the confidentiality of AIDS research records and antibody test records supersede its provisions

To the extent that the requirements of this bill would require local agencies to handle certain public health records in a different manner to protect their confidentiality it would create a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 1217 (SB 1938) Petris. Family law.

Existing law, the Family Law Act, specifies procedures and standards for the dissolution of marriage and the making of awards of child and spousal support

This bill would require a court, when there is an order requiring either party to provide coverage under a health plan, as defined, to a dependent, to order the party covered by the plan to assign to the other party the rights the covered party has to reimbursement, except that the rights assigned would not include any rights the covered party has to reimbursement for any payments actually made by the covered party. The bill would also require the court to order the covered party to provide the necessary forms and information to enable the other party to seek reimbursement, and to notify the health plan of the order and instruct the plan to assist the party seeking reimbursement with the necessary forms and information.

Ch. 1218 (SB 1619) Mello. Adult day health care: state grants

Existing law provides for the adult day health care program, which is administered by the State Department of Health Services

NOTE: Superior numbers appear as a separate section at the end of the digests

This bill would make a technical change in that law.

Existing law requires the department to give primary consideration to certain factors in developing policies and priorities pertaining to the allocation of adult day health care grant funds

This bill would revise 2 of those factors.

Existing law requires all subcontracts for health care benefits under the adult day health care program to include, among other things, specification of the services to be provided

This bill would delete that requirement and, instead, require that those subcontracts meet the needs of participants based upon plans of care

Existing law authorizes the State Department of Health Services to make grants to adult day health care centers for certain purposes, including the funding of innovative and creative adult day health care programs designed to provide a high quality of health services at a minimum cost.

This bill would delete that specified purpose

Under existing law, each adult day health care provider is required to maintain a uniform accounting and reporting system as developed by the State Department of Health Services in consultation with the provider

This bill would require the State Department of Health Services to implement a uniform cost accounting system and train providers in this system by July 1, 1987. The bill would also authorize the Department of Aging, in coordination with the State Department of Health Services, to approve an alternative cost accounting system where the provider demonstrates the ability to report comparable and reliable data.

The bill also would appropriate \$800,000 from the General Fund to the Department of Aging for grants to adult day health care centers and programs

Ch 1219 (SB 1827) Hart Medi-Cal.

Existing law provides for various publicly funded health programs including the Medi-Cal program under which the state reimburses health care providers for giving services to low-income and indigent recipients

Pursuant to provisions of existing law, the Board of Supervisors of Santa Barbara County established the Santa Barbara County Special Health Authority, until June 30, 1987, to assure provision of services to Medi-Cal and other recipients of specified publicly funded programs in Santa Barbara County.

This bill would extend until June 30, 1990, that authority

Under existing law, members of the Santa Barbara County Special Health Care Authority Board of Directors are entitled to specified remuneration for attending meetings of the board.

This bill would authorize the authority to pay remuneration to board members for attending meetings of committees of the board

Existing law provides that the employees of the Santa Barbara County Special Health Authority shall serve at the pleasure of the board

This bill would delete that provision.

Under existing law, the Santa Barbara County Special Health Authority is empowered to provide health care delivery systems for persons who are eligible to receive medical benefits under the Medi-Cal Act and those persons who are eligible to receive medical benefits under both Titles XVIII and XIX of the federal Social Security Act.

This bill would authorize the authority to provide services for persons in the county who are eligible to receive medical benefits under Title XVIII of the federal Social Security Act

Under existing law, an independent evaluation of the Santa Barbara County Special Health Care Authority shall be conducted and a report submitted to the Legislature by June 30, 1987

This bill would extend until January 1, 1988, the date when the report shall be submitted to the Legislature and would specify that the independent evaluation of the program commissioned by the federal Health Care Financing Administration may fulfill these purposes.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch 1220 (SB 2076) Carpenter Enforcement of judgments for possession of real property.

(1) Under existing law, a writ of possession issued to enforce a judgment for possession of real property, given in an action for unlawful detainer or forcible entry or detainer, cannot, with certain exceptions, be enforced against persons not named in the judgment whose claimed right to possession of the premises accrued prior to commencement of the action. Existing law requires the writ of possession to be accompanied by a prescribed notice respecting the assertion of such a right of possession.

This bill would substitute a different notice form and would establish a form and a prescribed fee for claiming such a right of possession. The bill would impose a state-mandated local program by requiring the levying officer to serve or post these forms, as specified, and by requiring the court to serve these claims by mail on the parties. Upon the filing of such a claim and payment of the fee or filing of forms for proceeding *in forma pauperis* within a prescribed time, the court would be required to hold a hearing thereon within 5 to 15 days. If the court determines the claim to be valid, the action would be deemed amended to include the claimant and the defendant would be deemed served and have 5 days to file an answer or otherwise respond to the complaint. The bill would declare the intent of the Legislature that courts may adjust fees charged for writs of possession and claims filed under the bill to defray increased costs under the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch 1221 (SB 1588) Robbins. Bail.

Under existing law, if, without sufficient excuse, the defendant in a criminal proceeding neglects to appear for arraignment, trial, judgment, or upon any other occasion when the defendant's presence in court is lawfully required, or to surrender himself or herself, the court is required to direct the entry of the fact upon its records, and to declare bail or deposited money forfeited, except as otherwise authorized.

This bill would provide that the requirement of entry of the fact upon the records and the forfeiture of bail or deposited money applies unless no complaint is filed or the charges are dismissed.

Ch. 1222 (SB 2558) Robbins. Criminal judgment

Existing law requires that judgment upon a person convicted of a felony be pronounced in the personal presence of the defendant unless, after the exercise of reasonable diligence to procure the defendant, the court finds that it is in the interest of justice that it be pronounced in his or her absence.

This bill would authorize the court to approve the absence of the defendant during the pronouncement of judgment, under specified conditions.

The bill would provide that if a pro se defendant requests that judgment in a noncapital case be pronounced against him or her in his or her absence, the court shall appoint an attorney to represent the defendant in the sentencing.

Ch. 1223 (SB 1003) Mello Passenger train service Monterey-San Francisco

(1) A specified item in the Budget Act of 1982 requires the Department of Transportation to expend up to \$2,500,000 from the Transportation Planning and Development Account in the State Transportation Fund on capital improvements related to a Monterey-San Francisco passenger train service.

This bill would require the department, if railroad passenger service is restored between Monterey and San Francisco, to name one of the passenger trains providing that service "The Alquist."

(2) Under existing law, funds made available from the account for the purchase of abandoned railroad rights-of-way may only be allocated for the acquisition of those rights-of-way that may be developed for busway or exclusive public mass transit guideway projects.

This bill would authorize a portion of an abandoned right-of-way in the Monterey-Seaside area, as specified, that has been purchased with these funds, to be developed for transportation and recreational purposes, generally, as long as that development does not preclude the future joint use of the right-of-way for both those purposes and busway or guideway purposes. The bill would also require the department to extend the deadline for agreement between the Cities of Monterey and Seaside and the department for development of this right-of-way to June 29, 1989.

Ch 1224 (SB 1493) Petris. Higher education facilities: construction and renovation.

Existing law authorizes the State Public Works Board to acquire and construct public buildings, charge and collect rentals for the use of public buildings, and issue certificates or revenue bonds to obtain funds to pay the cost of public buildings.

This bill would authorize the board to finance the construction or renovation, and the equipping, of instructional facilities and related instructional laboratory and support space within the University of California, the California State University, the California Maritime Academy, and the community college districts, as specified. It would authorize the board to lease-purchase those facilities to the Regents of the University of California and to lease or lease-purchase them to the Trustees of the California State University, the Board of Governors of the California Maritime Academy, and the community college districts.

This bill would authorize the board to issue certificates or revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of construction or renovation and the equipping of the facilities, as specified. It would specifically require that the rentals, revenues, or receipts from the public buildings and equipment be pledged to the payment of the principal and interest on the certificates, revenue bonds, notes, or anticipation notes. It would prohibit the issuance of certificates, revenue bonds, notes, or anticipation notes and the construction or the renovation or the equipping of the facilities unless the Legislature, by statute, authorizes the issuance of the certificates, revenue bonds, notes, or anticipation notes for, and the construction of, that facility.

This bill would require the Chancellor of the California Community Colleges to apportion state aid equal to the amount necessary for each district to meet a portion of its lease or lease-purchase obligation when a community college capital outlay project has been approved. The bill would also provide for the computation and payment of each district's portion of these obligations.

Under existing law, provisions similar to those summarized above govern the financing of higher education facilities for libraries and research and for other educational and research purposes related to fields of high technology. The high technology facility provisions will be repealed on January 1, 1992.

This bill would authorize the State Public Works Board to contract for projects governed by any of these financing provisions, including those provisions added by the bill, before the board issues certificates, revenue bonds, notes, or bond anticipation notes pursuant to the provisions. It would delete the repeal date for the high technology provisions, thereby making those provisions permanent.

The bill would permit the University of California, the California State University, the California Maritime Academy, and community college districts to be reimbursed by the state for expenditures for preliminary plans and working drawings for certain capital outlay projects authorized by statute, under specified conditions.

Ch 1225 (SB 2090) B. Greene. Personnel commissions: classified employees.

(1) Existing law permits a school district employee to inspect the materials in his or her personnel file that may affect his or her employment status, as specified. The materials available for employee inspection do not include ratings, reports, or records that were obtained prior to employment, prepared by an identifiable examination com-

mittee member, or obtained in connection with a promotional examination.

This bill would provide that notwithstanding the materials that are unavailable for inspection, each noncredentialed employee shall have access to his or her numerical scores obtained as a result of a written examination. To the extent that this provision would require a school district to provide these scores, a state-mandated local program is imposed.

(2) Under existing law, any school district or community college district that adopts the merit system for its classified employees is required to cause the personnel commission to be appointed. The governing board of the school district or community college district and the classified employees each appoint members of the commission, and these members of the commission appoint an additional member. If these members do not make an appointment within a specified time period, the Executive Officer of the State Personnel Board is required to make the appointment.

Existing law also provides that, in any school district or community college district that had adopted the merit system for its classified employees before September 17, 1965, members of the personnel commission continue to be appointed alternately by the Superintendent of Public Instruction, in the case of a school district, or the Chancellor of the California Community Colleges, in the case of a community college district, and by the Executive Officer of the State Personnel Board in both cases. The executive officer, the superintendent, and the chancellor are authorized to consider the recommendation of the governing board and other interested parties when making appointments to the commission.

This bill would require the executive officer, the superintendent, and the chancellor to consider the recommendation of the governing board and other interested parties when making appointments to the commission. The bill, in addition, would require the prescribed appointing authority to give written notification of a vacancy on the personnel commission to the classified employees, as described, and the governing boards of the school district or community college district. The bill would also require the appointing authorities to provide guidelines and procedures for the respective governing boards and classified employees to recommend or challenge nominations to the personnel commission.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1226 (SB 1877) Montoya. Accountancy.

(1) Existing law establishes the State Board of Accountancy within the Department of Consumer Affairs to regulate professional conduct and standards among persons authorized to practice public accountancy in the state.

Existing law authorizes the board, from time to time, to prepare and distribute to all holders of certified public accountant certificates and to all persons registered for the practice of public accounting, a report of the activities of the board.

This bill, instead, would require the board, from time to time, but not less than twice each year, to prepare and distribute to all licensees of the board the report of the board's activities, including amendments to existing law and regulations adopted by the board.

(2) Existing law requires all meetings of the board to be open and public, except that the board is authorized to hold executive sessions to deliberate on the decision to be reached upon the evidence introduced in certain proceedings. Existing law authorizes members of the board who are certified public accountants and the public members of the board to hold executive sessions to prepare, approve, grade, or administer examinations, and provides that only these members shall have jurisdiction to vote over these functions in executive session.

This bill would authorize all members of the board to hold executive sessions to

prepare, approve, grade, or administer examinations by deleting the limitation which only authorizes members who are certified public accountants and the public members to hold these sessions

(3) Existing law provides that members of administrative committees of the board shall hold office for one year, and prescribes the duties of each administrative committee.

This bill would delete the word "administrative" with respect to these provisions.

(4) Existing law regulates the use of partnership names, including the right to the continuous use of a partnership name, or modification thereof, by successor firms.

This bill would provide that the name or names under which a firm may render professional services shall contain, and may be restricted to, the name or last name of one or more of the present or former licensees who were associated with a predecessor person, partnership, or other organization, and whose name or names appear in that predecessor organization. This bill would provide that the provisions of existing law shall not prohibit the right to the continuous use of a firm's name registered with the board on or before December 31, 1986

(5) Existing law authorizes the certified public accountant members of the board and the public members to require an applicant for admission to the examination for a certified public accountant certificate to appear in person to determine if his or her qualifications are as prescribed under existing law and the adopted rules of the board.

This bill would delete the language restricting these authorizations to the certified public accountant members and public members of the board, thereby making this authorization applicable to all members of the board

(6) Existing law authorizes the board to grant one year's credit toward the fulfillment of its public accounting experience requirement to graduates of a college who have completed specified courses. Existing law authorizes the certified public accountant members of the board to prescribe rules establishing the character and variety of experience necessary to fulfill these experience requirements

This bill would delete the language restricting the authorization to prescribe the rules establishing the experience requirements, to the certified public members of the board thereby making this authorization applicable to all members of the board

(7) Existing law authorizes the board to give credit to a candidate for the certified public accountant examination who has passed all or part of the examination in another state or territory, if the certified public accountant members of the board determine that these standards were equivalent

This bill would provide for the determination to be made by all board members, rather than only the certified public accountant board members

Ch. 1227 (SB 2029) Rosenthal Telephone corporations cellular radio telephone service

(1) Under existing law, telephone services, including cellular radio telephone service, is furnished by telephone corporations subject to the jurisdiction of the Public Utilities Commission

This bill would direct the commission to require telephone corporations furnishing cellular radio telephone service to establish a pricing system that distinguishes on the billing invoice calls not completed from any other service charge on the billing invoice

The bill would direct the commission to prohibit telephone corporations from charging the subscriber for uncompleted calls, as specified, more than 50% of the charge for completed subscriber initiated calls

The bill would impose a state-mandated local program since a violation of the above provisions, under existing provisions of law, would be a crime

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 1228 (SB 1740) Petris. Courts' fees

Existing law authorizes the Board of Supervisors of San Diego County to establish municipal court administrative assessments, not to exceed \$10, to cover the costs of recording and maintaining a record of convictions for Vehicle Code violations and the cost of notifying the Department of Motor Vehicles, as specified, and to establish a fee in both the municipal and superior courts for the processing of accounts receivable for fines owed in criminal cases, not to exceed \$30.

This bill would extend these provisions to Alameda County, upon the adoption of a resolution by the board of supervisors, as specified.

Ch 1229 (SB 1662) Dills. Commercial transactions

(1) Existing provisions of the Tax Preparers Act are made inapplicable to certain lenders, including personal property brokers. Existing uncodified statutory provisions make exemptions applicable to personal property brokers also applicable to commercial finance lenders.

This bill would amend the Tax Preparers Act to specifically recognize that this exemption applies to commercial finance lenders.

(2) Existing provisions of the Industrial Loan Law prohibit industrial loan companies from purchasing certain contracts and choses in action, but exempt contracts and choses in action purchased from personal property brokers, when written authorization is obtained from the Commissioner of Corporations. Existing uncodified statutory provisions make exemptions applicable to personal property brokers also applicable to consumer finance lenders and commercial finance lenders.

This bill would amend the Industrial Loan Law to specifically recognize that these purchases from a consumer finance lender or commercial finance lender are exempt from the above prohibition, when written authorization is obtained from the commissioner.

(3) Existing law, with certain exceptions, prohibits lenders on the security of real property from using or disclosing information in a policy of fire or casualty insurance for the purpose of soliciting the sale of either of those types of insurance coverage if the borrower provides the lender with a prescribed statement.

This bill would make the above prohibition inapplicable to consumer finance lenders and commercial finance lenders, in addition to the types of lenders already exempted under existing law.

(4) Existing law, with certain exceptions, requires licensure of defined consumer finance lenders and commercial finance lenders.

This bill would exempt broker-dealers acting pursuant to a broker-dealer certificate issued under the Corporate Securities Law of 1968.

Ch 1230 (SB 1647) Robbins. Contracting.

Existing law known as the Contractors' State License Law provides for the licensure and regulation of persons who perform contracting work. Existing law provides, however, that the provisions of the Contractors' State License Law do not apply to an authorized representative of the United States government, the State of California, or any incorporated town, city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state.

This bill would declare that nothing in the latter provision authorizes the state or an authorized representative thereof either to enter into or authorize a contract with an unlicensed contractor for work which is required by the Contractors' State License Law to be performed by a licensed contractor.

This bill would further provide that any state agency or department, as defined, which is subject to the Public Contract Code, shall, prior to awarding a contract for work to be done by a contractor, as defined in the Contractors' State License Law, verify with the Contractors' State License Board that the person seeking the contract is licensed in a classification appropriate to the work to be undertaken.

The bill would provide that, in lieu of this verification procedure, the state agency or department may require the person seeking the contract to present his or her pocket license or certificate of licensure and provide a signed statement which swears, under

penalty of perjury, that the pocket license or certificate of licensure presented is his or hers, is current and valid, and is in a classification appropriate to the work to be undertaken.

Ch. 1231 (SB 1488) L. Greene Civil actions: malpractice

Under existing law, in any action for indemnity or damages arising out of the professional negligence of a person licensed as a professional architect, engineer, or land surveyor, the plaintiff's attorney is required to attempt to obtain consultation with at least one professional architect, engineer, or land surveyor who is not a party to the action and file a certificate which declares why the consultation was not obtained or which declares that on the basis of the consultation the attorney believes there is reasonable and meritorious cause for filing the action. These provisions are operative only until January 1, 1987.

This bill would provide, instead, that these provisions shall remain in effect only until January 1, 1989, and as of that date are repealed

Ch. 1232 (SB 1724) Marks Crimes: trespass.

Under existing law, there are no provisions which make unauthorized entry upon the property, facilities, or vehicles owned by the San Francisco Bay Area Rapid Transit District or the Southern California Rapid Transit District for purposes of conducting the sale of goods, merchandise, property, or services, a trespass, punishable as a misdemeanor

This bill would impose a state-mandated local program by making it a trespass, punishable as an infraction, for every person who enters or remains on any property, facility, or vehicle owned by the San Francisco Bay Area Rapid Transit District or the Southern California Rapid Transit District, and sells or peddles any goods, merchandise, property, or services of any kind without the express written consent of the governing board of the district, or its authorized representatives

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1233 (SB 1558) B. Greene. Psychiatric technicians.

Existing law specifies the fees to be assessed for the licensing of psychiatric technicians

This bill would (1) increase the maximum application fee from \$10 to \$25, (2) establish a subsequent examination fee of not more than \$35, (3) increase the maximum renewal fee from \$25 to \$45, and (4) provide that the initial license fee shall be an amount equal to the current renewal fee

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Vocational Nurse and Psychiatric Technician Examiners Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 1234 (SB 1046) Torres. Economic poisons: adverse effects: risks

Under existing law, the Director of Food and Agriculture governs the license and registration process of economic poisons in this state.

This bill would require a registrant if, during the registration process or at any time after the registration of an economic poison, he or she has factual or scientific evidence of any adverse effect or risk of the economic poison to human health, livestock, crops, or the environment which has not been previously submitted to the Department of Food and Agriculture, to submit the evidence to the director in a timely manner. The director would be authorized to adopt regulations to carry out this requirement. The bill would authorize the director to cancel the registration of, or refuse to register, an economic poison for failure to so report an adverse effect or risk

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 1235 (SB 1374) Keene. State employees: California Highway Patrol.

Existing law requires the Department of Personnel Administration to base recommendations for the salaries of highway patrolmen on the estimated average salaries as of July 1 of the year in which the recommendations are made for each corresponding rank for the Los Angeles Police Department, the Los Angeles Sheriff's Office, the San Diego Police Department, the Oakland Police Department, and the San Francisco Police Department.

This bill would also require the department to survey the above police agencies to determine their practices relative to incentive compensation for educational attainment and training, and to report its findings to the Governor by March 15, 1987, and annually thereafter

Ch 1236 (SB 1992) Robbins. Motor vehicles. conditional sales. removal from highways

(1) Existing law generally gives a defaulting buyer, under specified contracts for the conditional sale of a motor vehicle, a right to reinstate the contract after repossession or surrender of the vehicle by the seller or holder. However, this reinstatement right is not available under existing law if the seller or holder in good faith determines that the buyer or other person liable on the contract intentionally provided false information on the credit application, concealed the vehicle or removed it from the state to avoid repossession, committed or threatened acts of destruction upon the vehicle, or failed to reasonably take care of the vehicle, so that the vehicle has or may become substantially impaired in value

This bill would additionally include as circumstances justifying denial of reinstatement (1) the commission of, or attempt or threat to commit, specified acts of violence or bodily harm in connection with repossession or attempted repossession of the vehicle, (2) specified seizure of the vehicle by governmental authorities, (3) concealment or removal of the vehicle from the state by a permissive user, and (4) the commission or threat to commit acts of destruction of the vehicle or failure to take care of the vehicle by a buyer, other person liable on the contract, or a permissive user, so that the vehicle has become substantially impaired in value. The bill would make failure to reasonably take care of a vehicle, so that the vehicle has not, but may, become substantially impaired in value, such a circumstance justifying denial of reinstatement, where the failure is the buyer's, any other person liable on the contract, or any nonoccasional permissive user in possession of the vehicle

(2) Under existing law, if the seller or holder denies reinstatement, the seller or holder has the burden of proof that the denial was justified

This bill would specify that there is no presumption that the seller or holder is liable for damages by reason of failure to sustain this burden of proof. The bill would also make clarifying changes

(3) Under existing law, a peace officer or a specified public employee may remove a vehicle from a highway and impound it under specified circumstances, including if the vehicle is registered in a foreign jurisdiction or has no current California registration, as specified, and if the vehicle is known to have been issued 5 or more notices of parking violations within 5 or more days, as specified.

This bill would delete the above limitation of that authority with respect to registration, and would add conditions under which such an impounded vehicle is required to be released to the legal owner.

Ch 1237 (SB 2131) Montoya Physicians and surgeons.

Existing law provides that any person applying for licensure as a physician and surgeon who is a graduate of an approved medical school located in the United States or Canada who has graduated from a special medical school program that does not meet specified requirements as to curriculum length and content shall be presumed to meet specified educational requirements if the special program has been reviewed and approved by a national accrediting agency, as specified. The presumption may be overcome by a finding by the Division of Licensing of the Board of Medical Quality Assurance, as specified.

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This bill would provide that an applicant who has satisfactorily completed at least 2 years of approved postgraduate clinical training, as specified, and has achieved a passing score in each subject area of the examination required for licensure, satisfies the requirements for licensure. The bill would also require the division to inform specified applicants regarding what training or remediation they are required to satisfactorily complete to be deemed to meet the requirements for licensure.

Existing law requires any person applying for licensure as a physician and surgeon who has acquired his or her professional instruction in a country other than the United States or Canada, to, among other things, complete one of several specified hospital services, pass a written and oral examination and, for those applicants who apply on or after June 1, 1986, be certified by the Educational Commission for Foreign Medical Graduates or its equivalent.

This bill would provide that the requirement of being certified by the Educational Commission for Foreign Medical Graduates shall apply to an applicant who has not taken and passed the written examination prior to June 1, 1986.

Existing law provides that an applicant for a physician's and surgeon's license shall obtain at least a score of 75% on the physician and surgeon licensing examinations, and shall have satisfactorily completed one year of postgraduate training in an approved hospital, before a physician's and surgeon's license may be issued.

This bill would provide that such a passing score on the written examination shall be valid for purposes of qualification for participation in postgraduate training or licensure for a period of 4 years from the date of examination, except that that period may be extended on a year-for-year basis for each full year the applicant successfully participates in an approved postgraduate training program.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1238 (SB 906) Lockyer Civil actions.

Existing law does not expressly require an attorney to promptly communicate a written offer of settlement to a client.

This bill would enact that requirement and provide that such a communication is discoverable.

Existing law provides, for an eminent domain or inverse condemnation proceeding in which the value of property is to be ascertained, that evidence of the price or terms of an acquisition of comparable property for a public use for which the property could have been condemned is not admissible as evidence and may not be the basis of an opinion as to the value of property.

This bill would permit the admission and use of evidence of the price and terms of acquisition of comparable property that is already in public use.

Ch. 1239 (SB 1592) Robbins Vehicles: financial responsibility

(1) Under existing law, every person who drives a motor vehicle that is required to be registered in this state upon a highway, is required to provide, upon the request of a peace officer, evidence of financial responsibility for the vehicle.

This bill would also require a person who drives a moped in this state upon a highway, to provide, upon request of a peace officer, evidence of financial responsibility for the vehicle.

(2) Existing law requires a court to impose a fine and penalty assessment, as specified, on a person convicted of driving a motor vehicle without evidence of financial responsibility.

This bill would prohibit the imposition of any penalty assessment imposed by any other provision of law on the penalty assessment specifically imposed for driving without evidence of financial responsibility.

(3) Existing law defines "evidence of financial responsibility," as specified.

This bill would require that all evidence of financial responsibility be in writing and would include within that definition an insurance covering note binding an insurer, and a showing that the vehicle is owned or leased by, or under the direction of, the United States or any public entity, as defined. The bill would permit the requirement for evidence of financial responsibility in writing to be satisfied in a prescribed manner.

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(4) Existing law requires accidents originating from the operation of a motor vehicle, as specified, to be reported

This bill would authorize a peace officer making an accident report to request the driver of every motor vehicle involved in the accident in any manner to provide evidence of financial responsibility, and the bill would authorize the peace officer to issue a citation if the evidence cannot be produced

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would impose a state-mandated local program by creating new crimes.

The bill would provide that no reimbursement is required by this act for a specified reason

Ch 1240 (SB 1687) Seymour. Foster child care

Existing law provides for limited local regulation of community care facilities serving 6 or fewer persons.

This bill would require the director to give immediate notice of not to exceed 5 working days to the placement agency when a facility is found to have certain serious deficiencies, or when other specified events relating to the facility occur. To the extent that this requirement would place a new duty on facilities operated by local governmental entities, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1241 (SB 1700) Torres. Central Valley Project. entitlement transfers

Under existing law, the federal Central Valley Project is operated by the United States Bureau of Reclamation pursuant to applicable federal law.

This bill would require the Director of Water Resources to continue to pursue negotiations with the bureau to contract for the interim rights to stored water from the federal project for use by state water supply contractors. The bill would also require the director to pursue discussions with the bureau to permit parties which have federal water entitlements to contract with public water supply agencies for the transfer of the federal entitlements during times of shortage

The bill would require the director to annually report, as specified, to the Legislature on the status of the discussions. The bill would require a final report, as specified, during the department's 1993 annual budget hearings if the discussions are unsuccessful. The bill would make legislative findings and declarations.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1242 (SB 1863) Bergeson. Incorporation of cities

(1) Existing law authorizes local agency formation commissions (LAFCOs) to establish a schedule of fees for costs incurred by the LAFCO for processing applications for an extension of a district's powers, for conducting various proceedings, and for checking the sufficiency of any petition filed with the executive officer. Existing law provides that those fees shall not exceed the estimated reasonable cost of providing the service or \$1,500, whichever is less.

This bill would delete the limitation of \$1,500 on those fees

(2) The bill would require a LAFCO to determine the amount of appropriations subject to limitation for a new city or district in accordance with Article XIII B of the California Constitution. This requirement would impose a state-mandated local program

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(3) Existing law requires the resolution of a conducting authority ordering a change of organization or reorganization subject to voter confirmation to contain specified information concerning the election and the proposed change of organization or reorganization.

This bill would require the resolution to also provide for the establishment of an appropriations limitation for the new city or district, thus imposing a state-mandated local program.

(4) Existing law requires the Controller to distribute a specified percentage of the vehicle license fees and gas taxes collected by the state to each city and city and county in the proportion that the population of each city or city and county bears to the total population of all cities and the city and county. For newly incorporated territory and, under certain circumstances, for unincorporated territory annexed to an existing city, the Controller is required to ascertain the population by multiplying the number of registered voters by 3.

This bill would, instead, require that the population of those areas be determined by the population research unit of the Department of Finance, with a specified exception.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1243 (SB 1873) Seymour. Department of the California Highway Patrol special patrol vehicles.

Under existing law, the Department of the California Highway Patrol has responsibility for the patrol of and the investigation of motor vehicle accidents on the highways.

This bill would direct the department to institute a pilot program that would utilize vehicles not readily identifiable as regular patrol vehicles, but which meet identification requirements specified by regulation and exhibit the official insignia of the department, with enforcement personnel wearing the official uniform of the department, for the primary purpose of enforcement of highway safety violations by drivers of motor trucks of 3 or more axles over 6,000 pounds unladen weight, truck tractors, combinations of a motor truck and another vehicle or vehicles over 40 feet in length, and any truck or combination of vehicles over 6,000 pounds unladen weight transporting hazardous materials. The bill would limit the pilot program to 4 department geographical divisions with not more than 15 vehicles, and personnel assigned as specified. The bill would direct the department to prepare and submit a report of its findings, conclusions, and recommendations to the Legislature on or before March 15, 1988.

The bill would repeal these provisions on January 1, 1988.

Ch. 1244 (SB 1926) Mello. Fish and Game Commission. licenses or permits: revocation actions.

Under existing law, certain licenses and permits to engage in businesses relating to fish, aquatic plants, and game may be terminated by the Fish and Game Commission after notice and hearing pursuant to specified administrative adjudication procedures.

This bill would delete the requirement for administrative adjudication for termination of those certain licenses and permits. For some specified licenses or permits, the bill would require the license or permit termination to be at one of the commission's regularly scheduled meetings, and for other specified permits, require the termination to be at a hearing held by the commission. The bill would also require the commission to adopt specified regulations relating to license or permit revocation or suspension and prohibit those sanctions until the regulations are approved, as specified.

Ch. 1245 (SB 2007) Marks. Commercial fishing.

(1) Under existing law, the taking of fish for commercial purposes is regulated by season, area, and species. Existing law also authorizes the issuance of experimental gear permits under conditions determined by the Fish and Game Commission.

This bill would declare the policy of the commission and the Department of Fish and

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Game regarding closed or restricted fisheries, under specified conditions, and provide for related matters. The bill would prohibit a requirement for complete observer coverage of alternative fishing gear or methods under an experimental gear permit for the purposes of the bill unless the commission makes specified findings.

(2) AB 3147 of the 1985-86 Regular Session repealed one category of special permits required to use set gill or trammel nets in specified waters north of Pfeiffer Point in Monterey County, and made other changes to the application and drawings for new special permits for that purpose, which are operative until April 1, 1989.

This bill would, if AB 3147 is enacted, amend the provisions affected by AB 3147 to, additionally, provide, until April 1, 1989, for appeals to the commission by prior special permittees, as defined, of denials for the special permits. The bill would also make appeals for failure to meet prior year landing requirements for specified reasons to be made to the commission instead of the department and would provide for appeals to the commission of orders of revocation or suspensions for specified reasons.

(3) Existing provisions of the Fish and Game Code continuously appropriate the money in the Fish and Game Preservation Fund to the department and the commission for all necessary expenses in carrying out the provisions of the Fish and Game Code.

Because this bill would impose new duties on the commission, it would make an appropriation.

Ch. 1246 (SB 2116) Carpenter. Health: clinics facility standards

Existing law requires the Office of Statewide Health Planning and Development, in consultation with the Community Clinics Advisory Committee, to prescribe minimum construction standards of adequacy and safety for the physical plant of clinics.

The bill would require the office of the State Fire Marshal to prescribe minimum safety standards for fire and life safety in licensed surgical clinics, and, by regulation, to review and adopt minimum safety standards, as specified, which would be required to be met as a condition of licensure for private facilities built after January 1, 1982, which are not licensed as surgical clinics on January 1, 1987, if a license is sought on or after January 1, 1987. In addition, it would require all surgical clinics to meet certain construction and exiting requirements unless exempted by the State Fire Marshal, as specified.

The bill would impose a state-mandated local program as a violation of regulations promulgated by the State Fire Marshal would be a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1247 (SB 2119) Torres. Water treatment devices

Under existing law, various provisions are designed to improve the quality of water used for domestic purposes.

This bill would require the State Department of Health Services to adopt regulations to establish reliable methods for determining the performance of water treatment devices, as defined, designed to reduce specific contaminants from water supplies. One year after the effective date of the regulations, the sale of treatment devices not properly certified would be prohibited. Procedures would be established for certifying water treatment devices and the department would be required to establish and collect a fee for each certificate applied for which would be required to be an amount reasonably necessary to produce sufficient revenue to effectively implement the bill. Those fees would be deposited in the State Treasury in the Water Device Certification Special Account, which would be created by this bill.

This bill would authorize the Director of Finance to permit the State Department of Health Services to borrow up to \$200,000 for the purposes of this bill from any account deemed appropriate by the Director of Finance. This authorization to allow an existing appropriation to be spent for a new purpose constitutes an appropriation.

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Ch 1248 (SB 2122) Mello. Commercial fishing: gill nets.

(1) Existing law generally provides for entry of experienced commercial fishermen meeting specified qualifications into any limited entry fishery operative after January 1, 1982, including working partners of a permittee, as described.

This bill, notwithstanding the requirements for the issuance of a permit to a working partner, would provide for transfer of a limited entry fishing permit under specified conditions, to a member, as specified, of the family of a deceased permittee in the event of an accidental death of the permittee after January 1, 1986. The bill would provide for use of that permit by another person for not more than 2 years.

(2) Under existing law, drift and set gill nets may be used to take rockfish and lingcod between Pigeon Point and the Carmel Highlands subject to specified requirements and restrictions.

This bill would prohibit taking of rockfish or lingcod with gill nets between Santa Cruz Point and Point Sur lighthouse in waters 100 fathoms or less in depth and between Point Sur lighthouse and Pfeiffer Point in waters 75 fathoms or less in depth, as specified. The bill would impose a state-mandated local program because a violation of the bill would be a misdemeanor.

(3) The bill would require the Department of Fish and Game to annually report on the effects of the gill net closures to the Legislature from January 1, 1988, to January 1, 1992. Because the Fish and Game Preservation Fund is continuously appropriated to the department to carry out its duties, the bill would, thereby, make an appropriation.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1249 (SB 2297) L. Greene. Elderly or handicapped congregate housing

Under existing law, the California Housing Finance Agency is authorized to issue revenue bonds and utilizes the proceeds of bond issuances to finance the development of housing.

This bill would require the agency to make loans in the aggregate amount of \$50,000,000 from the proceeds of the bonds the agency is authorized to issue under existing law for the purpose of financing the rehabilitation or construction of congregate housing for elderly or handicapped persons or households, as defined. This would constitute an appropriation.

The bill would require that applications by housing sponsors for financing under the bill include a plan for the provision of certain services to the residents of congregate housing.

The bill would require the agency at the close of each fiscal year, commencing with June 30, 1988, as a part of the annual report required to be prepared under existing law, to report on its progress in implementing the bill.

Ch 1250 (SB 2300) Robbins. Financial institutions.

(1) Under existing law, the Superintendent of Banks is empowered to examine bank holding companies and their subsidiaries utilizing the superintendent's examiners or independent public accountants.

This bill would require bank holding companies to pay prescribed fees and expenses in connection with these examinations, except with respect to examination of domestic banks. Since these fees (and other fees imposed by the bill) would be deposited in the State Banking Fund, which is continuously appropriated, this bill would constitute an appropriation measure.

(2) Under existing federal law, a bank holding company or any subsidiary thereof is, with a specified exception, prohibited from acquiring any voting shares of, interest in, or all or substantially all of the assets of any additional bank located outside the state in which the operations of the bank holding company's banking subsidiaries were principally conducted on July 1, 1956, or the date on which the company became a bank holding company, whichever is later, unless the acquisition is specifically authorized by

the statutes of the state in which the bank to be acquired is located. Existing law of this state does not authorize such an acquisition

This bill would, on and after July 1, 1987, authorize certain forms of these acquisitions by a bank holding company (1) the operations of which are principally conducted in Alaska, Arizona, Colorado, Hawaii, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, or Washington, (2) which is not controlled by a parent company the operations of which are principally conducted in a state other than those states, and (3) with respect to which specified determinations are made by the superintendent of banking*. The bill would prescribe fees to be submitted with applications to the superintendent, which would be deposited in the State Banking Fund. The forms of acquisition permitted by the bill would include acquisition of an existing California bank or California bank holding company as a subsidiary, direct or indirect acquisition of more than 50% of the assets of a California bank or California bank holding company, and merger or consolidation with a California bank or bank holding company. The bill would require a foreign bank holding company acquiring control of a California bank under the bill to first file with the superintendent an agreement to comply with the Banking Law. The bill would not affect existing law respecting acquisitions by prescribed banks and bank holding companies outside the United States. The bill would authorize the superintendent to provide regulatory agencies of other states and the United States with specified information related to acquisitions under this bill

(3) Existing law, with certain exceptions, prohibits savings associations of the types subject to the Savings Association Law, but which are organized under the laws of another state, from doing business in this state

This bill would authorize, on and after July 1, 1987, defined foreign savings companies the home office of which is in any of the states of Alaska, Arizona, Colorado, Hawaii, Idaho, [Nevada,]* New Mexico, Oregon, Texas, Utah, or Washington, and which are not controlled by holding companies with a principal place of deposits located elsewhere, to do business in this state with the approval of the Savings and Loan Commissioner. The bill would require the commissioner to determine and apply reciprocity with the laws of an applicant's home state, as specified. The bill would also authorize the commissioner to condition approval upon reciprocal examination arrangements with regulatory officials in the applicant's home state

(4) The regional provisions would be repealed as of January 1, 1991.

(5) This bill ~~is to be~~ [would become]* operative only if AB 1492 is enacted.

Ch. 1251 (SB 2495) Marks. Oil and hazardous materials coastal transportation and storage disasters study

Existing law authorizes the Governor to establish a state oil spill contingency plan, which designates specified state agencies to implement the plan

This bill would require the agencies designated in the oil spill contingency plan, which form the State Interagency Oil Spill Committee, on or before March 31, 1987, to report to the Legislature, after consultation with specified federal, state, and local officials and specified persons, on various aspects of oil spill response and cleanup and would require the chairperson of the committee to enter into a contract for the preparation of the report, the cost of which would be prohibited from exceeding \$150,000. The bill would specify the qualifications required for the contractor

The bill would also require owners and operators of vessels transporting bulk petroleum and bulk hazardous materials, oil refineries, marine terminals handling bulk petroleum or bulk hazardous materials, tank farms, and offshore oil production facilities to prepare contingency plans and provide emergency response training regarding vessel and pipeline oil spills and offshore or onshore facilities explosions and fires which may cause oil or hazardous materials to enter into specified waters. The bill would require those owners and operators to contribute matching funds of up to \$75,000 to provide 50% funding for the report referred to above. The chairperson would be authorized, if the owners and operators do not voluntarily contribute the matching funds, to assess a fee on these owners and operators, as specified, solely for the purposes of funding the report, related to the quantity of these commodities transported in state waters

The bill would appropriate \$75,000 from the California Environmental License Plate

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Fund for the purpose of preparing the report. The bill would require any funds voluntarily contributed by private persons to pay for the report to be deposited in the separate account in the Fish and Game Preservation Fund and would appropriate these funds for the preparation of the report.

The bill would require the Department of Fish and Game to establish one position to carry out the bill and to oversee various contracts concerning oil spill research. The bill would require the position to be financed from a specified appropriation made to the department.

Ch 1252 (SB 2497) Mello Aging

Existing law provides for the adult day health care program, which is administered by the State Department of Health Services, subject to transfer to the Department of Aging for a period of 3 years and specifies that the Office of Long-Term Care and Aging shall supervise the pilot projects.

This bill would, instead, specify that the Department of Aging shall supervise the pilot projects, commencing with the 1985-86 fiscal year.

This bill would specify that the Department of Aging shall allocate, from funds appropriated for that purpose, the funds necessary to continue operation of Alzheimer's day care resource centers during the 1987-88 fiscal year.

Ch. 1253 (SB 2620) Doolittle State highways: snow removal.

Under existing law, the Department of Transportation is responsible for snow removal operations on state highways.

This bill would appropriate \$700,000 from the State Highway Account in the State Transportation Fund to the department as contingency funds to be used by the department for snow removal after other funds available for that purpose have been expended. These funds would revert to the State Highway Account if not expended by the department for snow removal purposes by May 1, 1987.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1254 (AB 134) M Waters Investment state trust fund moneys and state moneys.

Existing law designates as trust funds the Public Employees' Retirement Fund; the Legislators' Retirement Fund, and the Teachers' Retirement Fund. The Board of Administration of the Public Employees' Retirement System administers the first 2 funds and the Teachers' Retirement Board administers the latter fund. The investment of moneys in these funds is subject to the control of their respective administrative agencies.

Existing law authorizes the Treasurer to invest in authorized securities, as specified, the state moneys in the Surplus Money Investment Fund and in the State Treasury which have been designated as available for investment by the Pooled Money Investment Board. It also authorizes the Treasurer to deposit all money in the State Treasury to the credit of the state in eligible banks, as defined, and eligible savings and loan associations, as defined.

This bill would prohibit the use of state trust moneys, as defined, on or after January 1, 1987, to make additional or new investments or to renew existing investments, in business firms that have business operations in South Africa, or business arrangements with the government of South Africa.

This bill would also prohibit the use of state trust moneys on or after January 1, 1987, to make additional or new investments in financial institutions that make loans to any South African corporation or to the government of South Africa.

This bill would define various terms.

The above prohibitions would not apply to any business firm or financial institution which, by resolution of its governing body, adopts a policy to not expand existing or establish new business operations or renew existing business arrangements, or loans, if any, and to not make any additional or new business arrangements, or loans, in South Africa, or with the government of South Africa, or to any South African corporation or to the government of South Africa.

Those prohibitions also would not apply to any financial institution which renews existing loans or makes additional or new loans to any South African corporation or to the government of South Africa only to the extent necessary or appropriate to facilitate repayment of loans or other credits committed or provided before January 1, 1987.

This bill would require a copy of the resolution of the governing body to be submitted by business firms to the Treasurer and to the chief administrative officer of each state trust fund, along with specified information, both of which would be deemed public documents open to public inspection. It would require submission annually of certifications, under penalty of perjury, that the adopted policy is being complied with.

This bill would require state trust funds, beginning January 1, 1988, and thereafter until January 1, 1991, to annually reduce by $\frac{1}{4}$ the value of their respective investments in business firms with business operations in South Africa or business arrangements with the government of South Africa and in financial institutions making or increasing loans or other extensions of credit to the government of South Africa or any South African corporation.

This bill would prohibit, effective January 1, 1991, state trust funds from making or holding any investment in any business firm with business operations in South Africa or business arrangements with the government of South Africa or any South African corporation or in any financial institution making or increasing loans or other extensions of credit to the government of South Africa or any South African corporation.

This bill would provide that state moneys shall not be deposited with financial institutions that, following January 1, 1987, make or increase loans or other extensions of credit, or provide funds for the purpose of making or increasing loans or other extensions of credit, to the government of South Africa.

These prohibitions would not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this bill.

This bill would require the governing board of a state trust fund or state agency administering a state trust fund to file a report with the Governor and the Legislature by January 31 of each year as long as the fund continues to hold unauthorized investments.

This bill would provide for indemnification from the General Fund by the State of California for present, future, and former members of the governing board of any trust fund, present, future, and former Regents of the University of California, officers and employees of the state or the university, and investment managers under contract with the state or the university from all claims, demands, suits, actions, damages, judgments, and other costs, charges, and expenses sustained by them at any time by reason of any decision to restrict, reduce, or eliminate investments in business firms with business operations in South Africa or business arrangements with the government of South Africa or investments in financial institutions extending credit to the government of South Africa or South African corporations.

Ch. 1255 (AB 3994) Moore. Public utilities: retirement fund investments.

Existing law regulates public utilities and generally provides various limitations upon investments of public retirement funds by state and local entities.

Existing law prohibits public utilities from increasing rates, except upon a showing before, and a finding by, the Public Utilities Commission that the rate increase is justified. The commission is authorized to allow a return on public utility investments through rate increases as specified, if, after a public hearing, the utility shows, and the commission finds, that the utility's investments were in specified areas.

This bill would require the commission to prohibit a public utility from including in its operating budget any losses incurred as a result of investment of retirement funds in the government of South Africa, Libya, or Namibia or in any corporation based in those countries.

The bill would require the commission to mandate every public utility to provide the commission with a list of its investments in the government of South Africa, Libya, or Namibia, or in any corporation based in those countries. The commission would be required to verify the accuracy of that list and to disallow, for purposes of setting rates, any losses resulting from those investments.

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The bill would not prevent the commission from applying its provisions to other countries, as specified, if comparable conditions warrant that application.

Ch. 1256 (AB 1682) Farr. Superconducting Super Collider.

Existing law makes no provision for the operation of an effort to induce the federal government to select a site in California for the construction of the Superconducting Super Collider, a particle accelerator

This bill would establish the California Collider Commission for the purposes of acting as an agent of the state in presenting site proposals, representing the state in matters concerning the collider before the federal government and the public, representing the state in negotiations, designing and implementing financing plans and proposals, and selecting a construction consultant. The commission would have specified membership and would be authorized to hold public meetings, contract for research and services, as specified, accept funds or assistance, and form committees and working groups. This bill would require the University of California, subject to the approval of the Regents of the University of California, to provide staffing and other services for the commission.

This bill would require the Executive Steering Committee on the Superconducting Super Collider to serve as an advisory body to the commission only if ACR 89 and this bill are both chaptered and become operative on or before January 1, 1987.

Ch. 1257 (AB 3109) Johnston. Educational facilities.

(1) Existing law authorizes the governing board of any school district to lease relocatable structures or permanent school buildings for a term extending to the period of the expected duration of use by the district, but not to exceed 10 years.

This bill would authorize the Lodi Unified School District to lease residential houses constructed after January 1, 1978, to house elementary school pupils until June 30, 1989, as specified.

(2) Existing law prohibits, with certain exceptions, the use after June 30, 1975, of school buildings that do not conform to the structural standards of the so-called Field Act.

This bill would authorize the use of specified facilities by the Douglas City School District until June 30, 1988, and would exempt the facilities from the so-called Field Act during that period.

(3) This bill would authorize the Palo Verde Community College District to lease a portion of the Palo Verde Community College for a new child care development center, as specified.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1258 (AB 3158) Bates. School districts' funds.

(1) Existing law requires that funds derived from the sale of surplus property be used for capital outlay or costs of maintenance of school district property that the governing board of the school district determines will not recur within a 5-year period and permits the deposit of the funds in the district general fund for any general fund purpose if required determinations have been made by the governing board and the State Allocation Board.

This bill would, until July 1, 1989, require that the State Allocation Board waive this deferred maintenance requirement for the Berkeley Unified School District if the sale of surplus property is part of the district's plan to repay an emergency apportionment, as specified, and the board receives a specified statement regarding the declaration and sale of surplus property.

(2) Existing law provides that school districts that meet certain criteria are eligible to receive an apportionment from the State School Deferred Maintenance Fund, notwithstanding any limitations imposed by the determination by the State Allocation Board that the district has no anticipated need for additional sites or building construction pursuant to a specified statutory provision. One of these criteria is that the school district has a fiscal emergency in fiscal year 1982-83, and is expected to have one in fiscal year 1983-84.

This bill would revise this criterion to require instead that the school district had a

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fiscal emergency in the 1984-85 or 1985-86 fiscal year.

This bill would appropriate \$3,000,000 to the State School Fund for emergency apportionment, as specified, to the Berkeley Unified School District for its expenditure obligations for the 1985-86 fiscal year if the district's repayment plan is approved by the Superintendent of Public Instruction.

This bill would require, as a condition on receiving this emergency apportionment, that the Berkeley Unified School District comply with specified reporting and other requirements and comply with the terms of a financial plan and an educational plan, approved by the Superintendent of Public Instruction. This bill would impose a state-mandated local program by requiring the county superintendent of schools for the county in which the district is situated to meet certain reporting and assistance requirements that may be imposed by the Superintendent of Public Instruction until the emergency apportionment is repaid, including interest.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1259 (AB 3678) Moore. Public utilities: women and minority business enterprises.

(1) Existing law authorizes the Public Utilities Commission to regulate every public utility in the state and to do all things which are necessary and convenient in the exercise of its authority and jurisdiction. Every public utility is required to comply with every order, decision, direction, or rule made or prescribed by the commission relating to or affecting its business as a public utility, as specified.

This bill would state legislative declarations, findings, and purposes, and to those ends, would direct the commission to require every electric, gas, and telephone corporation with gross annual revenues exceeding \$25,000,000 and their commission-regulated subsidiaries and affiliates to implement a program developed by the commission to encourage, recruit, and utilize women and minority business enterprises, as defined, in the procurement of contracts from those corporations or from their commission-regulated subsidiaries and affiliates.

The commission would be required to establish guidelines by which those electric, gas, and telephone corporations and their specified subsidiaries and affiliates would be required to establish its programs, and those corporations and their specified subsidiaries and affiliates would be required to submit to the commission an annual detailed and verifiable plan which would include, among other things, short-term and long-term goals and timetables, but not quotas, to implement the programs, as specified. The commission would be required to submit an annual report to the Legislature commencing January 1988, on the progress of the programs undertaken by each of those electric, gas, and telephone corporations and their specified subsidiaries and affiliates, and make recommendations for legislation to further the policy of these provisions.

The commission would be required to establish criteria for verifying and determining the eligibility of women and minority business enterprises for the procurement of contracts, as specified.

The bill would impose a state-mandated local program by making it a crime for any person or corporation to falsely represent its eligibility for these programs in the procurement of, or the attempt to procure, contracts pursuant to these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1260 (AB 3777) La Follette. Acutely hazardous materials: risk management.

(1) Existing law requires any business handling a hazardous material to establish and implement a business plan for emergency response to a release or threatened release of a hazardous material. The business plan is required to be submitted to the local administering agency within 6 months after the Office of Emergency Services adopts specified regulations, except that any business located in a city or county which has adopted a specified ordinance certified by the office is exempt from these regulations.

This bill would additionally allow an administering agency which had a specified ordinance in effect on May 31, 1986, to extend the date for submission of the business plan to a date not later than January 1, 1988. This provision would be repealed on January 1, 1988.

(2) Existing law requires every business, as defined, which handles a hazardous material, to submit a specified inventory to the local administering agency.

This bill would require every business, except as specified, which handles specified amounts of an acutely hazardous material, as defined, to file an acutely hazardous materials registration form with the administering agency on or before September 1, 1987, and to revise the form under specified circumstances. The form would be required to include certain information. The bill would also require the inventory specified above to include the total estimated amounts of each hazardous waste handled by the business throughout the year.

The bill would allow an administering agency to require a handler to submit a certified risk management and prevention program (RMPP), upon making a specified determination, and to implement the program within one year after certification. The bill would require the owner or operator of a new or modified facility which will be used for the handling of acutely hazardous materials on or after January 1, 1988, to submit such a program for approval by the administering agency before these operations commence.

The bill would authorize a representative of the administering agency to enter and inspect facilities subject to an RMPP and would require the administering agency to inspect, every 3 years, every business required to file a registration form. The bill would also provide procedures for the protection of trade secrets and would impose civil and criminal penalties upon persons or businesses which violate the provisions of this bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by requiring counties to implement its provisions, by requiring local agencies which operate facilities handling acutely hazardous materials to take specified actions, and by creating new crimes concerning acutely hazardous materials.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch. 1261 (AB 3870) W. Brown. Historic monuments: Statue of Liberty

This bill would appropriate \$50,000 from the General Fund to the Controller, to be allocated to the Statue of Liberty-Ellis Island Foundation, Inc., for the purpose of paying a portion of the expenses necessary to complete the restoration of the Statue of Liberty.

Ch. 1262 (AB 3899) Stirling. Vehicles: removal from common interest development

(1) Under existing law, a peace officer, as defined, or other designated employee engaged in directing traffic or enforcing parking laws and regulations of a city or county in which a vehicle is located, may remove a vehicle from a highway located within the territorial limits in which the officer or employee may act, under any of enumerated circumstances.

This bill would include among those enumerated circumstances, whenever a vehicle

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is parked for more than 24 hours on a portion of a highway which is located within the boundaries of a common interest development, as defined, and signs have been posted, pursuant to a resolution or ordinance adopted by the local authority, on that portion of the highway providing notice to drivers that vehicles parked over 24 hours will be removed at the owner's expense. A violation of this provision would be an infraction, thereby imposing a state-mandated local program by creating a new crime.

(2) Under existing law, when a vehicle is found upon a highway with a registration expiration date in excess of one year before the date it is found, only a peace officer, as defined, is authorized to remove that vehicle.

This bill would, instead, provide that, if the vehicle is occupied, only a peace officer is authorized to remove that vehicle, thereby authorizing the removal of these vehicles when unoccupied by other authorized persons who are not peace officers.

(3) Under existing law, the owner or person in lawful possession of private property may cause the removal of a vehicle parked on the property to the nearest public garage, if a sign of specified size and content is posted in plain view at all entrances to the property, or the lot is improved with a single-family dwelling, and notice to law enforcement is given prior to causing the removal, and an attempt is made to locate and notify the registered owner of the vehicle in writing of the fact of the removal, the grounds for the removal, the place to which the vehicle has been removed, the amount of mileage, and the time of removal. A copy of that notice is also required to be given to the proprietor of the public garage.

This bill would distinguish common interest development property from other private property for the purpose of removing vehicles parked in violation of common interest development association rules, and would authorize the association to cause the removal of a vehicle from that property to the nearest public garage, if (a) a sign of specified size and content is posted at each entrance to the property, (b) if the identity of the registered owner is known or readily ascertainable, the owner is, within a reasonable time, notified of the removal by first-class mail and if the owner's identity is not known or ascertainable, the president of the association or other designated person is required to comply with existing law relating to notice as is applicable to a peace officer removing a vehicle from private property, and (c) notice is given to the local traffic law enforcement agency immediately after the vehicle has been removed, which notice would be required to include specified information

(4) Under existing law, it is an infraction to park a vehicle in a fire lane on public or private property, within 15 feet of a fire hydrant, in a space designated for handicapped persons without proper authority, or in front of a public or private driveway. Existing law authorizes a peace officer to remove vehicles parked in those areas under specified conditions.

This bill would authorize the association to cause the removal of a vehicle without notice if parked in those specified areas, or if the vehicle is parked in a manner that interferes with any entrance to, or exit from, the common interest development.

(5) Under existing law, the owner of a vehicle removed from private property may recover for any damage to the vehicle caused by any intentional or negligent act of any person who caused the removal or removed the vehicle. Existing law specifies when possession of a vehicle removed from private property arises, the limitations as to the amount a towing company may charge for removal and storage of the vehicle, and requires the storage facility to accept a valid credit card or cash for payment and to keep sufficient moneys on the premises to accommodate cash transactions.

This bill would make those provisions applicable to the removal of a vehicle from a common interest development.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1263 (AB 3974) Wright. Civil actions: child and spousal support.

Existing law requires the district attorney to enforce child support obligations with

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respect to children receiving public assistance, and for children not receiving public assistance, when requested to do so.

This bill would require applications for orders for the establishment or enforcement of child support that are filed by the district attorney to be referred to a commissioner or a referee for hearing, except as specified, or unless an exemption from this requirement is given by the State Department of Social Services. It also would authorize referees to enter default orders when hearing child support matters, under specified circumstances. It also would require actions brought by the district attorney to establish or enforce support obligations, except as specified, to be completed within specified time limits, thus establishing a state-mandated local program.

It also would delete an obsolete reference to federal law relating to support payments.

The bill would specify that the district attorney is the public agency responsible for administering wage withholding for the purposes of specified provisions of federal law.

The bill also would define various terms for the purposes of a section specifying the duty of the district attorney to enforce child and spousal support obligations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1264 (AB 4038) Filante. Health facilities.

Existing law prescribes a schedule of annual fees for health facilities, including general acute care/rehabilitation hospitals, based on the number of licensed beds.

This bill would delete general acute care/rehabilitation hospital from these provisions. This bill would also revise the methodology for determining the amount of the fee, as specified.

Existing law permits, on a pilot program basis, a consortium of hospitals or an individual hospital, as specified, to adopt a long-range hospital capital investment plan, known as a countywide plan, subject to approval by the Director of the Office of Statewide Health Planning and Development, as specified. These projects undertaken under approved plans are exempt from specified statutes regulating business competition. These projects may be excluded from obtaining a certificate of need for projects that the office director finds are substantially in conformance with an approved long-range hospital capital investment plan, that have received a certificate of planning compliance, as specified, and that are scheduled for commencement in an approved countywide plan, as specified. The provisions relative to certificate of need would be repealed January 1, 1987.

This bill would provide that in the case of certain projects included in a specified countywide plan, the exemptions respecting business competition shall apply even though the project is not undertaken until after January 1, 1987.

Ch. 1265 (AB 4072) Filante. Ridesharing.

Existing provisions of the Rideshare Support and Improvement Act provide for a Ridesharing and Alternative Transportation Fund in the State Treasury, which is continuously appropriated to the Department of Transportation, for allocation to promote and facilitate use of alternative transportation to the single-occupant motor vehicle for work and nonwork trips. These provisions are scheduled to terminate on July 1, 1988.

This bill would terminate these provisions on January 1, 1987.

Ch. 1266 (AB 4082) Filante. Structural pest control

(1) Existing law, until January 1, 1987, relieves structural pest control operators of the requirement to notify the fire department in advance of a fumigation, unless the fire department requests the notice. After January 1, 1987, this notice will again be required.

This bill would delete the January 1, 1987, termination date for these provisions, thus continuing the system of advance notice at the option of the fire department.

(2) Existing law, until January 1, 1987, provides for the Structural Pest Control Educa-

tion and Enforcement Fund. The money in the fund is used by the Structural Pest Control Board for specified disciplinary and enforcement purposes.

This bill would delete the January 1, 1987, termination date for these provisions and would revise other provisions regarding monthly reports filed by operators with the county agricultural commissioner

(3) Existing law, until January 1, 1987, requires the board to consult with the Director of Food and Agriculture when developing or adopting structural pest control regulations that may affect the Department of Food and Agriculture or the county agricultural commissioners, as specified.

This bill would delete the January 1, 1987, termination date for these provisions.

(4) Existing law, until January 1, 1987, designates the director as an agent of the board for specified enforcement purposes and requires the board and the department to jointly develop a training program for county agricultural commissioners.

This bill would delete the January 1, 1987, termination date for these provisions.

(5) Existing law, until January 1, 1987, designates the commissioner to be the lead agency for inspections and routine investigations of pesticide use by board licensees and the board as the lead agency when a matter is referred to it for action.

This bill would delete the January 1, 1987, termination date for these and related provisions that delegate specified responsibilities regarding structural pest control to the director and commissioners and other responsibilities to the board.

(6) Existing law, until January 1, 1987, authorizes the board or a commissioner to suspend or fine a pest control licensee, and the licensee has specified appellate rights to a disciplinary review committee.

This bill would revise a licensee's rights in a fine or suspension action and would delete the January 1, 1987, termination date for these provisions.

(7) Existing law, until January 1, 1987, authorizes and sets the amount of a pesticide use reporting fee of \$5 for each pesticide use report or combination of use reports representing a structural pest control operator's total county pesticide use for the month.

This bill would delete the January 1, 1987, termination date for these provisions

(8) Existing law, until January 1, 1987, states that economic poison mill assessments paid to counties for enforcement of pesticide laws and regulations shall also be considered as reimbursement for costs incurred by the counties in enforcement of structural pest control laws.

This bill would delete the January 1, 1987, termination date for these provisions.

(9) The bill would delete the January 1, 1987, termination date of other provisions relating to duties of the director and commissioners in regulating structural pest control and to requirements of notice and recordkeeping by structural pest control licensees. Violation of any of these requirements is a misdemeanor; thus, by continuing the requirements, the bill would impose a state-mandated local program by creating a new crime.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1267 (AB 4222) Chacon. Veterans' benefits and assistance.

(1) Existing law authorizes the creation in every county of a county veteran service office to assist veterans with aid and benefits provided by law and in presenting and pursuing claims and services available under federal and state laws.

This bill would direct the Department of Veterans Affairs to provide one paid veterans' assistant position within the county veteran service officer's office in the Counties of Los Angeles and San Diego and the City and County of San Francisco, by contract with one or more private nonprofit community-based organizations providing alcohol abuse, drug abuse, or readjustment counseling to veterans suffering from alcohol abuse, drug abuse, or posttraumatic stress disorders, to conduct outreach programs to make veterans aware of available readjustment counseling services and alcohol and drug abuse programs and to provide reference services.

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The bill would direct the department to report to the Legislature by January 1 of each year on the operation and effects of these requirements

(2) Under existing law, the Employment Training Panel in the Department of Employment Development allocates money in the Employment Training Fund for specified purposes.

This bill would require the panel, in making reimbursements to employers and training agencies for actual training costs, to give special consideration for funding and technical assistance to projects which provide special opportunities for veterans.

(3) The bill would appropriate \$116,000 from the General Fund to the Department of Veterans Affairs for purposes of salaries and benefits for veterans' assistants and administrative expenses pursuant to (1), above.

Ch. 1268 (AB 3786) Stirling. Trial court funding: law enforcement.

Existing law establishes the Trial Court Funding Act of 1985, which requires state funding of trial courts at a county's option, as specified, contingent upon a statute appropriating funds therefor. Under that act, "court operations" is defined to mean the county's share of certain costs including, but not limited to, one bailiff per authorized judicial position; and the term "filing fees" is defined to mean any and all fees and charges, liberally construed, collected or collectible for filing, processing, copying, endorsing, or for any other services related to court operations.

This bill would revise the definition of the term "court operations" to include the county's share of costs for those deputy marshals and sheriffs as the court deems necessary for court operations, rather than one bailiff per authorized judicial district. The bill would also revise the definition of "filing fees" to specifically include service of process within the fees and charges which are collected or collectible.

Ch 1269 (AB 3309) Stirling Trial court funding: fines.

Existing law defines various terms for purposes of the Trial Court Funding Act of 1985, which provides for state funding for trial courts at the option of each county, contingent upon the appropriation of funds for purposes of that act.

This bill would provide that civil penalties awarded or received in environmental, antitrust, or consumer protection actions brought by the people shall not constitute a fine for purposes of the Trial Court Funding Act of 1985, to become operative upon the effective date of an act appropriating funds for purposes of the Trial Court Funding Act of 1985.

The bill would also revise the definition of the term "court operations" to include the county's share of costs for those deputy marshals and sheriffs as the court deems necessary for court operations, rather than one bailiff per authorized judicial district, and revise the definition of "filing fees" to specifically include service of process within the fees and charges which are collected or collectible.

Ch 1270 (SB 1609) Ellis. Sales and use tax: exemption: museum pieces.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from the tax.

Counties and cities are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

Existing law exempts from state and local sales and use taxes items which have value as museum pieces and used exclusively for display purposes which are purchased by certain nonprofit museums, as defined, to replace property destroyed by fire, flood, earthquake, or other calamity, under specified conditions.

This bill would, with respect to the San Diego Aero-Space Museum only, expand the exemption to include the purchase of any property used exclusively for display purposes within the museum. It would provide that these provisions apply to sales and transac-

tions occurring on or after November 24, 1985.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy

Ch. 1271 (SB 1637) Presley. Juvenile court law.

(1) Existing law authorizes the confinement of certain minors coming within the jurisdiction of the juvenile court in a jail or lockup in cases where there are no other proper and adequate facilities for their detention or where a minor has been transferred by the juvenile court to a court of criminal jurisdiction and been charged with or convicted of a felony, as specified. Any such jail or lockup must meet certain standards and such a minor may not come or remain in contact with adult prisoners.

On and after January 1, 1987, this bill would (1) prohibit the detention of any minor in a jail or lockup except where a minor, alleged to have committed any one of certain specified offenses, is found to be unfit to be dealt with under the juvenile court law, and where certain specified conditions are met, and, (2) specify that only minors over the age of 14, taken into temporary custody on the basis of alleged criminal conduct, who are reasonably believed to pose a serious security risk may be held in secure detention in a facility containing a lockup for adults, and only under specified conditions.

The bill also would provide that any minor found to be unfit to be dealt with under the juvenile court law is entitled to release on bail or on his or her own recognizance at the conclusion of the fitness hearing upon the same circumstances, terms, and conditions as an adult alleged to have committed the same offense.

The bill also would require the Youth Authority to assist law enforcement agencies, probation departments, and courts in the implementation of the above provisions, as specified, and it would allow the Youth Authority to exempt counties that do not have a juvenile hall, and offshore law enforcement facilities, as defined, from compliance with the above provisions for a reasonable period of time, as specified, under certain specified conditions.

The bill also would make various related changes

(2) Existing law requires annual inspections by the Department of the Youth Authority and by a juvenile court judge of any facility used in the preceding calendar year for the confinement of a minor for more than 24 hours

This bill would additionally authorize the Department of the Youth Authority to inspect any law enforcement facility which contains a lockup for adults and which it has reason to believe may not be in compliance with certain requirements provided for in the bill, with local certification requirements, or with specified standards established by the department. In addition, the bill would require a judge of the juvenile court or a specified delegate to conduct an inspection of those facilities which were used for the secure detention of any minor. The bill would preclude a facility which is found not to be in compliance from being used as a lockup facility and it would require the custodians of certain facilities to make reports as to effectuating the purposes of this bill, thus establishing a state-mandated local program

The bill would also require the Department of the Youth Authority to collect certain annual data regarding jails and lockups, as defined, and to adopt regulations establishing standards for law enforcement facilities which contain lockups for adults and which are used for the temporary, secure detention of minors.

The bill would additionally require every person in charge of a law enforcement facility which contains a lockup for adults and which is used in any calendar year for the secure detention of any minor to certify that the facility is in conformity with the regulations adopted by the department; and would require that the certification be endorsed by the sheriff or chief of police, thus establishing a state-mandated local program

(3) The bill would provide that it shall not become operative unless SB 2543 is enacted as specified.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates

Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1272 (SB 1708) Russell. Mental health.

Existing law provides for involuntary evaluation and treatment for persons who are dangerous or gravely disabled due to mental illness.

Existing law defines gravely disabled to include, among other things, a condition in which a person, as a result of a mental disorder, is unable to provide for his or her own basic personal needs for food, clothing, or shelter.

The bill would require the Conference of Local Mental Health Directors to submit an assessment report to the Legislature on or before July 1, 1988, containing an assessment of the impact on various factors of the expansion of the term "grave disability" as specified. [Since the Conference of Local Mental Health Directors is partially supported by entities of local government, this new duty would constitute a state-mandated local program.]* The bill would require the State Department of Mental Health to select an independent contractor to perform certain activities concerning the completion of the report. The bill would require the conference to select no less than 3 counties which volunteer to participate in the assessment and would require the department to provide technical assistance and data or information already collected which is relevant to the assessment report.

[The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.]*

Ch. 1273 (SB 1816) Davis. Criminal procedure

Existing law provides that the victim of a crime, his or her parent if the victim is a minor, or the next of kin if the victim has died, has the right to attend all criminal sentencing proceedings.

This bill would declare that it is the intention of the Legislature that victims of a criminal offense be allowed to attend any criminal trial for the offense

This bill would entitle a victim or up to 2 members of the victim's immediate family, as specified, to be present and seated at the trial for the criminal offense unless, (1) the court finds that the victim's presence would pose a substantial risk of influencing or affecting the content of any testimony, (2) the parties move that the victim be removed for behavior so disorderly, disruptive, and disrespectful of the court that the trial cannot continue with the victim's presence, or (3) the prosecution requests the removal of the victim.

The bill would also provide that upon the objection of the defendant, the victim is required to testify first subject to the exclusion of the victim's testimony under certain circumstances

Ch. 1274 (SB 1888) Stiern. Healing arts: physicians and surgeons, drugless practitioners, and midwives

(1) Existing law requires the chief executive officer of certain health facilities, health care service plans, and medical care foundations to report to the appropriate licensing authority when specified licensed healing art practitioners have been denied staff privileges, been removed from the medical staff, or had their staff privileges restricted, as specified. The failure to make the report as required is a misdemeanor.

This bill would make this reporting requirement applicable as well to the chief execu-

tive officer of any medical, psychological, dental, or podiatric professional society, or specified medical specialty society, with respect to the restriction of membership privileges, and thus this bill would impose a state-mandated local program by expanding the scope of application of an existing crime. The bill would provide that no person shall incur any civil or criminal liability as the result of making any report required by the provision. The bill would further provide that the Board of Medical Quality Assurance, the Board of Osteopathic Examiners, and the Board of Dental Examiners shall be entitled to inspect and copy certain documents relating to a reportable action, as specified.

(2) (A) Existing law provides that applicants for physician's and surgeon's certificates, certificates of drugless practitioners, and certificates to practice midwifery shall pay a nonrefundable application and processing fee of \$100 at the time the application is filed, which fee is required to be deposited in the Contingent Fund of the Board of Medical Quality Assurance.

This bill would provide that the application and processing fee shall (a) between January 1, 1987, and December 31, 1989, be, for the first year \$275, and for each subsequent year equal to the prior year's fee plus a sum fixed by the Division of Licensing of the Board of Medical Quality Assurance equal to not more than 10% of the prior year's fee, up to a maximum of \$350, and, on and after January 1, 1990, be fixed by the division by May 1 of each year; (b) become effective on July 1 of that year; and (c) be fixed at an amount necessary to recover the actual costs of the licensing program as projected for the fiscal year commencing on July 1 of that year.

(B) Existing law requires applicants for physician's and surgeon's certificates, certificates of drugless practitioners, and certificates to practice midwifery to pay an initial license fee, as specified, which fee is required to be deposited in the Contingent Fund of the Board of Medical Quality Assurance

This bill would provide that any applicant enrolled in an approved postgraduate training program shall be required to pay only 50% of the initial license fee.

(C) Existing law provides that the initial license fee and the biennial renewal fee shall be fixed by the board at an amount not less than \$200 and not to exceed \$325.

This bill would provide that on and after July 1, 1987, those fees shall be fixed by the board by regulation, so that the reserve balance in the Contingent Fund of the Board of Medical Quality Assurance shall be equal to approximately 4 months of authorized expenditures. The bill would further provide that until July 1, 1987, each of those fees shall be \$255, except that the board may fix the biennial renewal fee in an amount between \$240 and \$255, inclusive.

(D) Existing law applicable to physician's and surgeon's certificates, certificates for drugless practitioners, and certificates to practice midwifery sets fees for duplicate certificates and endorsements at \$10 each, which fees are required to be deposited in the Contingent Fund of the Board of Medical Quality Assurance.

This bill would increase those fees to \$50 each.

(3) Existing law provides that there is no liability for damages against a medical professional society or its members or agents on account of a referral made by the society as part of a public service referral system, as specified, except it may be liable for a failure to disclose certain disciplinary proceedings while making a referral

This bill would also provide a medical professional society, and its members or agents, with immunity from liability for making a telephone information library available for use by the general public without charge. The bill would revise the provisions concerning liability of a medical professional society for a failure to disclose certain disciplinary proceedings while making a referral.

The bill would further provide a hospital, and any other person or organization, with limited immunity from liability for any action taken upon the recommendation of the hospital's medical staff, or for any action taken or restriction imposed which is required to be reported, as specified, as long as the action or restriction is properly reported.

(4) The bill would incorporate additional changes in Section 43.95 of the Civil Code, as proposed by AB 2858, AB 3032, or both, if this bill and AB 2858, AB 3032, or both are chaptered and this bill is chaptered last.

(5) Existing provisions of the Business and Professions Code continuously appropriate

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the moneys in the Contingent Fund of the Board of Medical Quality Assurance. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1275 (SB 2142) Hart. County grants and subventions.

Under existing law, the Department of the Youth Authority provides grants of state funds to counties which operate specified juvenile correctional facilities. Existing law also provides that a county's entitlement shall be reduced if there is a reduction in the capacity at the county's juvenile correctional facilities. However, existing law provides that these reduction provisions shall not be applicable to a reduction in capacity due to an act of God.

This bill would provide that the provisions concerning entitlement reductions shall not be applicable to Santa Barbara County because of an involuntary loss of its lease of prescribed juvenile facilities, but that county would be required to develop comparable facilities or programs by June 1, 1990, and would be required to use grant funding originally intended for its juvenile facility being closed to expand existing juvenile programs until June 1, 1990.

This bill would provide that its provisions shall remain in effect only until June 1, 1990, and as of that date would be repealed unless a later enacted statute deletes or extends that date.

Ch. 1276 (SB 2169) Roberti. Crimes: prostitution.

Under existing law, any person who solicits or engages in an act of prostitution is guilty of disorderly conduct, a misdemeanor.

This bill would also provide that a person who agrees to engage in an act of prostitution is guilty of disorderly conduct, a misdemeanor, thereby establishing a state-mandated local program. The bill would, however, provide that no agreement to engage in an act of prostitution shall constitute disorderly conduct unless some act, beside the agreement, be done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1277 (SB 2359) McCorquodale. Elections.

Existing law requires each county clerk to maintain a complete index of voters, by precinct, and to send to the Secretary of State one copy thereof, whether as magnetic tape file or index, at specified time periods.

This bill would delete this provision, and would impose a state-mandated local program by revising the information requirements and the time periods at which county clerks would send index information to the Secretary of State.

This bill would delete related provisions of law requiring the sending of voter information by each county clerk to the Secretary of State at specified time periods.

Existing law requires the proponents of a statewide initiative measure, prior to its circulation, to place upon each section of the petition, in a designated area, the summary prepared by the Attorney General in roman boldface type not smaller than 12-point, and to have printed across the top of the initiative petitions in 12-point boldface type the statement "initiative measure to be submitted directly to the voters."

This bill would delete these requirements and enact similar, revised, specifications.

Existing law specifies the procedures applicable to initiative and referendum elections conducted in a district, and requires the clerk of the district to perform various duties

in relation thereto.

This bill would provide that the term "clerk of the district" for the purpose of the initiative and referendum provisions applicable to districts, includes the county clerk or other officer or board charged with performing the duties required of the clerk of the district by law.

Existing law provides that the filing fee to be paid to the county clerk for filing a declaration of candidacy for an office to be voted for wholly within one county, other than legislative or congressional office, shall be, among other things, a fee of 1% of the annual salary of the judicial or county office, except as specified.

This bill would specify that this filing fee shall be calculated on the basis of the annual salary for the office on the 1st day to circulate petitions to gather signatures in lieu of filing fees.

Existing law requires a political party that has newly qualified to participate in a primary election pursuant to specified procedures to designate the provisions of law applicable to another political party pursuant to which it will conduct its activities, and to notify the Secretary of State of its selection at least 30 days after the political party qualifies.

This bill would provide that the required notice shall be filed not later than 30 days after the political party qualifies.

Existing law specifies the voting procedures applicable at any election, and provides that in the case of electrical failure or other emergency, the elections official may direct that ballots may be marked in pencil or ink. In such a case, the counting of ballots is required to be conducted pursuant to procedures specified by law.

This bill would authorize the elections official, in case of electrical failure or other emergency, to duplicate the voted ballot cards and count the duplicate ballots by automatic tabulating device, or to count the ballots pursuant to the procedures specified by law.

Existing law relating to the recount of ballots provides that all ballots, whether voted or not, and any other relevant material, may be examined as part of a recount if a voter filing a declaration requesting the recount so requests.

This bill would, among other things, prohibit the touching or handling of a ballot without the express consent of the clerk or the elections officer supervising the special recount board.

Existing law requires, after an election in which a voting system, as defined, is used, the elections officer to conduct a public manual recount of the ballots tabulated by the voting system cast in 1% of the precincts chosen at random by the county clerk, or in a precinct chosen at random by the clerk under specified circumstances.

This bill would impose a state-mandated local program by requiring the clerk to count one additional precinct for each race not included in the original group of precincts counted.

Existing law requires the county clerk to provide the precinct officers of an election various items used in the conduct of the election, including signs of appropriate size and designation that, when posted, will enable the voter to locate the polling place and identify areas in which electioneering and other activities are prohibited.

This bill would impose a state-mandated local program by requiring the city clerk, in the conduct of municipal elections, to procure and furnish to the elections officers the signs specified above, in addition to other required materials.

Existing law relating to the consolidation of elections specifies the period for the filing of nomination documents by candidates in elections consolidated with a regularly scheduled election.

This bill would make a technical change in this provision.

Existing law requires a nominee for election to a district office to take the oath or affirmation required by the California Constitution, and requires the district secretary or a designee to administer the oath.

This bill would impose a state-mandated local program by requiring either the county clerk or the district secretary, or a designee of either, to administer the oath.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1278 (SB 2361) McCorquodale. Advertising: false or misleading: water treatment devices.

Existing law makes it a misdemeanor to disseminate untrue or misleading advertising within this state.

This bill would make it a misdemeanor to disseminate a false advertisement of a water treatment device by any means for the purposes of inducing the purchase, rental, or lease of water treatment devices, and thus this bill would impose a state-mandated local program by creating a new crime.

The bill would also (1) prohibit any person soliciting a sale, rental, lease, or order for water treatment devices from making specified claims and statements; (2) require any advertisement soliciting a sale, rental, lease, or order for water treatment devices to include a disclosure statement, as specified; (3) provide that the intentional violation of these provisions entitles purchasers, renters, or lessors of water treatment devices to damages, as specified; and (4) provide that a specified provision of the bill, which prohibits the making of certain claims about a water treatment device unless that device has been certified pursuant to specified provisions of the Health and Safety Code, shall only become operative if SB 2119 is enacted and becomes effective on or before January 1, 1987, and SB 2119 adds the above-specified provisions relating to the certification of water treatment devices.

The bill would make it a misdemeanor, punishable as specified, to violate any provision of the bill, and thus this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1279 (SB 2371) Watson. Teacher assignments

Existing law specifies the permissible assignment of teachers, depending upon the type of credential or certificate issued by the Commission on Teacher Credentialing.

This bill would require the commission to complete a statewide study relating to the misassignment of credentialed personnel. The commission would be required to report its findings and recommendations, as specified, in a report to the Legislature on or before February 1, 1987. The commission would also be required to adopt regulations pursuant to legislation recommended by the commission in its report, and enacted after January 1, 1988, no later than 60 days after the effective date of the recommended legislation.

This bill would authorize the commission to issue a limited assignment authorization to a permanent employee to teach, with his or her consent, any single subject class if the teacher meets specified qualifications, and if approved by resolution of the governing board of the school district, as specified.

This bill would require school districts to select and report the name of the certificated employee responsible for implementing workshops regarding proper assignment of teachers.

These provisions would remain in effect until June 30, 1988, and as of that date would be repealed.

This bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1280 (SB 2412) Royce. Public Employees' Medical and Hospital Care Act.

The Public Employees' Medical and Hospital Care Act (PEMHCA) provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System.

This bill would specify that school districts, community college districts, and county superintendents of schools which are providing their employees with health benefits pursuant to PEMHCA and their employees are not subject to specified provisions of the Education Code relating to mandatory inclusion of certain retirees in local health and welfare benefit plans and would make other technical changes in PEMHCA.

This bill would authorize contracting agencies to amend their PEMHCA contracts to participate in a Medicare reimbursement program for enrollees in Medicare supplemental health insurance.

This new authorization would impose state-reimbursable state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public school employer-employee relations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1281 (SB 2457) Beverly. Department of Justice: major fraud.

This bill would appropriate \$561,000 for encumbrance during the 1986-87 fiscal year only to the Department of Justice for purposes of augmenting the staff of the Major Fraud Unit in the Department of Justice.

Ch. 1282 (SB 2530) Petris. Child victims and witnesses

Existing law provides various special procedures applicable to child victims and witnesses.

This bill would enact the California Child Victim Witness Protection Act, which would establish the Child Victim Witness Judicial Advisory Committee to conduct a specified study concerning child victims and witnesses, including the methods of establishing a Child Victim Witness Court Pilot Project, as specified. The study and its recommendation would be required to be submitted to the Judicial Council, the Legislature, the Governor, and the Attorney General by October 1, 1988. The bill would repeal these provisions as of January 1, 1989.

The bill would appropriate \$50,000 to the Department of Justice for the provision of staff assistance to the advisory committee, and operational expenses incurred in connection therewith, from January 1 to June 30, 1987.

Ch. 1283 (SB 1511) Maddy. Horseracing. satellite wagering facilities: license fees and purses

Existing law requires the deductions from wagers at satellite wagering facilities to be the same as the deductions for wagers at the racetrack where the meeting is being conducted, but requires the satellite wagering facility to retain 2% of the amount handled as a commission and to distribute the remaining amount in the same relative percentages as license fees, commissions, and purses are distributed by the racetrack conducting the meeting.

This bill would require that 1½% of the amount handled by a satellite wagering facility located at a fair enclosure, or an amount equal to actual expenses as determined by the California Horse Racing Board, whichever amount is less, be distributed to the entity or association which incurs operating expenses related to satellite wagering prior to the general distribution for license fees, commissions, and purses.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1284 (SB 1499) Maddy. Horseracing: satellite wagering facilities.

(1) Existing law requires all revenues paid to the state from satellite wagering facilities located at fairs to be deposited in a separate account in the Fair and Exposition Fund which is continuously appropriated to the Department of Food and Agriculture for allocation by the Director of Food and Agriculture for specified purposes.

This bill would require 7½% of these revenues to be deposited in the General Fund. The bill would also require up to 10% of these revenues to be deposited in a special account in the General Fund each year, as determined by the department, for supplementing purses at fair racing meetings, as specified. The funds in the special account would be available when appropriated by the Legislature.

(2) Under existing law, funds wagered at satellite wagering facilities, after distribution of a 2% commission to the facility, are distributed in the same relative percentages as provided by existing law for the association which conducts the racing meeting. Commencing January 1, 1988, the funds available for distribution to the association and to the horsemen will be distributed equally, as specified.

This bill would require that an additional 1¼% of the amount handled by the satellite wagering facility, or an amount equal to actual expenses, whichever is less, be distributed to the entity or association that incurs operating expenses related to satellite wagering.

The bill would also delete the present law relating to distribution of funds wagered at satellite wagering facilities and instead provide that, after distribution of the 2% commission to the facility and the 1¼% (or actual expense) deduction for the association or entity and applicable state license fees, 50% of the funds would go to the association which conducts the meeting, 45% would go to the horsemen at the meeting, and 5% would go to horsemen who participate in racing fairs that operate satellite wagering facilities.

(3) Existing law authorizes the California Horse Racing Board to authorize an association licensed to conduct a racing meeting in the northern zone to operate a satellite wagering facility at its racetrack inclosure during the time the association is not conducting a racing meeting if specified conditions are met.

This bill would authorize the board, with the approval of the Department of Food and Agriculture, to authorize any county fair, district fair, or citrus fruit fair in the northern zone or in the County of Kern, San Luis Obispo, or Santa Barbara which is eligible for racing days, but is not licensed to conduct a racing meeting, to operate a satellite wagering facility at its fairgrounds. The same provisions applicable to other satellite wagering facilities would apply to satellite wagering facilities at these fairs.

(4) Existing law requires every association conducting a racing meeting, except specified racing meetings conducted by fairs with an average daily handle of \$650,000 or less, to pay an additional state license fee of 1% of its exotic parimutuel pools.

This bill would exempt all racing meetings conducted by fairs, except specified county fairs, from this additional 1% state license fee on exotic parimutuel pools.

(5) Existing law specifies the license fee rates based on percentages of the daily handle which are required to be paid by the California Exposition and State Fair, a district agricultural association fair, or a county fair racing association with an average daily handle in excess of \$650,000 conducting specified racing meetings.

This bill would revise those rates and, with respect to county fairs in the northern zone which did not conduct horseracing prior to January 1, 1985, would also revise the distributions for commissions and purses.

Ch. 1285 (AB 604) Papan. Horseracing.

(1) Existing law prescribes the license fees for all racing associations based on the total amount handled in the parimutuel pool at each association.

This bill would exclude from these amounts moneys wagered at satellite wagering facilities.

(2) Existing law prescribes the maximum of racing weeks that may be allocated by the California Horse Racing Board for thoroughbred racing other than at fairs.

This bill would increase the number of racing weeks that may be allocated for thoroughbred racing in the northern zone from 40 to 44 weeks.

(3) Existing law prescribes the maximum number of weeks that an association may

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be licensed to conduct thoroughbred racing.

This bill would increase the number of weeks that may be allocated to an association for thoroughbred racing in the northern zone from 16 to 22 weeks.

(4) Under existing law, funds wagered at satellite wagering facilities, after distribution of a 2% commission to the facility, are distributed in the same relative percentages as provided by existing law for the association which conducts the racing meeting. Commencing January 1, 1988, the funds available for distribution to the association and to the horsemen will be distributed equally, as specified.

This bill would require that an additional 1½% of the amount handled by the satellite wagering facility, or an amount equal to actual expenses, whichever is less, be distributed to the entity or association that incurs operating expenses related to satellite wagering.

The bill would also delete the present law relating to distribution of funds wagered at satellite wagering facilities and instead provide that, after distribution of the 2% commission to the facility and the 1½% (or actual expense) deduction for the association or entity, 50% of the funds would go to the association which conducts the meeting, 45% would go to the horsemen at the meeting, and 5% would go to horsemen who participate in racing fairs that operate satellite wagering facilities.

(5) The bill would also provide that if there is an overlap in the northern zone between a racing fair, other than the Fresno or Ferndale fairs, and any other association that races in the daytime, the racing fair would have the exclusive right to send its signal to the satellite wagering facilities in the state if the board determines that it is operationally possible for the fair to do so, with a specified exception.

(6) The bill would incorporate changes in Section 19596.5 of the Business and Professions Code made by SB 1499 if both bills are enacted and this bill is enacted last.

Ch. 1286 (SB 2048) Dills. Wine and winegrape growers

(1) Existing law permits marketing orders, issued under the California Marketing Act of 1937, and various agricultural commissions, to contain provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities. Under the act, the Director of Food and Agriculture has adopted a marketing order covering wine and winegrapes.

This bill would create the Winegrowers of California Commission, with prescribed membership, and prescribe its powers, duties, and responsibilities in carrying out the provisions of the bill. The commission would be authorized to carry on programs of, and research relating to, wine, winegrapes, and winegrape products. The bill would authorize the commission to levy an assessment on growers of winegrapes and processors of wine, as prescribed, and authorize its expenditure for purposes of carrying out the provisions of the bill, thereby making an appropriation.

The bill would not become operative unless AB 4262 of the 1985-86 Regular Session is chaptered. If AB 4262 is chaptered, the bill, except as necessary to conduct an election, would not become operative until the growers of winegrapes and the processors of wine vote in favor of the bill, as prescribed. The bill would also provide for the suspension and termination of the operation of its provisions. Violation of the chapter would be a misdemeanor; thus, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1287 (AB 4262) N. Waters. Wine and wine-related products: vintners.

(1) Existing law permits marketing orders, issued under the California Marketing Act of 1937, and various agricultural commissions, to contain provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities. Under the act, the Director of Food and Agriculture has adopted a marketing order covering wine and winegrapes.

This bill would create the California Wine Commission, with prescribed membership,

and prescribe its powers, duties, and responsibilities in carrying out the bill. The commission would be authorized to carry on programs of, and research relating to, wine and wine-related products. The bill would authorize the commission to levy an assessment on vintners, as prescribed, and authorize its expenditure for purposes of carrying out the bill, thereby making an appropriation.

This bill would also create the California Winegrape Growers Commission, with prescribed membership, and prescribe its powers, duties, and responsibilities in carrying out the bill. The commission would be authorized to carry on programs of, and research relating to, winegrapes and winegrape products. The bill would authorize the commission to levy an assessment on growers, as prescribed, and authorize its expenditure for purposes of carrying out the bill, thereby making an appropriation.

The bill, except as necessary to conduct an election, would not become operative until growers and vintners vote in favor of the bill, as prescribed. The bill would also provide for the suspension and termination of the operation of its provisions.

Since violation of its provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(2) SB 2048, if enacted, would provide for a Winegrowers of California Commission. Among other things, the commission would be required to submit any contract with an industry trade organization which involves the transfer of funds to the Director of Food and Agriculture for concurrence.

This bill, if it is enacted after SB 2048, would repeal those provisions and instead authorize the director to require any contract in which the commission is a party to be submitted to him or her for concurrence with a specified hearing procedure if the director initially decides not to concur in the contract. These provisions would also be applied to the California Wine Commission and the California Winegrape Growers Commission.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1288 (AB 277) Stirling. Corrections research and training

Existing law does not provide for a research and training study in the field of corrections.

This bill would establish the Robert B. Presley Institute of Corrections Research and Training for developing and enhancing research, education, and training for corrections personnel, and would specify the responsibilities of the institute. The bill would provide for the board of trustees of the institute, the appointment of board members and support staff, and their compensation.

The bill would also appropriate the sum of \$150,000 from the General Fund to the institute for specified purposes.

Ch. 1289 (AB 1981) N. Waters. Abusive conduct.

(1) Existing law requires child care custodians, including specially trained school employees, among others, to report known or suspected instances of child abuse.

This bill would require that training to include training in child abuse identification and reporting, and require school districts to provide all such employees with specified written materials, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law authorizes internal procedures to facilitate child abuse reporting.

This bill would prohibit the internal procedures from requiring the identity of the reporting employee to be disclosed to the person's employer.

(3) Existing law makes confidential the identity of persons who report child abuse pursuant to the child abuse reporting law, except as specified.

This bill would prohibit the disclosure by specified agencies or persons of the identity of a child abuse reporter to that person's employer, except with the employee's consent or by court order.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1290 (AB 2020) Margolin. Beverage containers redemption and recycling values

(1) Existing law does not establish redemption or recycling values for beverage containers.

This bill would prohibit counties and cities from denying a permit for the operation of mobile recycling units or reverse vending machines on private property zoned for commercial or industrial uses, as specified.

The bill would enact the California Beverage Container Recycling and Litter Reduction Act, and would require the Department of Conservation to implement its provisions, including the certification of recycling centers, processors, and nonprofit dropoff programs. The bill would create the Beverage Container Recycling Advisory Committee to advise the Director of Conservation on beverage container recycling. The committee would consist of 12 members, 6 of whom would be appointed by the Governor, 3 by the Senate Committee on Rules, and 3 by the Speaker of the Assembly.

The bill would require processors and beverage distributors to report certain information monthly to the department, and the department would be required to make determinations concerning redemption rates and recycling rates every 6 months, except as specified.

The bill would establish a redemption value of at least 1¢ for every beverage container which is not a refillable beverage container sold in the state on and after September 1, 1987, and would provide that, when certain beverage containers' redemption rates do not meet specified levels, these beverage containers would then have a redemption value of at least 2¢ on and after December 31, 1989, or, after December 31, 1992, 3¢, except as specified. The bill would declare the intention of the Legislature that the redemption value is a regulatory fee and is not subject to the limitations imposed by Article XIII B of the California Constitution. The bill would require every beverage container manufacturer, on and after September 1, 1987, to indicate a message on every beverage container and would require dealers to identify the address of the nearest recycling center or recycling location.

The bill would require that there be at least one certified recycling center or location in a convenience zone, as defined, and would require the department to take specified actions to meet this requirement, including requiring a dealer to establish a recycling location pursuant to a specified procedure.

Each certified recycling center would be required to pay the redemption value and any applicable redemption bonus for each returned beverage container and to pay the applicable refund value or deposit for each returned refillable beer and other malt beverage container. A processor would be required to pay the recycling center, curbside program, or nonprofit dropoff program the redemption value, redemption bonus, specified administrative costs, except as specified, and a specified portion of the processing fee for each beverage container returned by the center or program. The department would be required to pay the processor the redemption value, a redemption bonus, a specified administrative cost, except as specified, and the processing fee for each empty beverage container returned by a recycling center, curbside program, dropoff or collection program, or nonprofit dropoff program to the processor, and a distributor would be required to pay the department the redemption value of every beverage container sold or transferred to a dealer. These payment provisions would not become operative until October 1, 1987, except the payment requirement for distributors would become operative on September 1, 1987. The bill would require the department to establish a processing fee for every empty beverage container with a redemption value and a scrap

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value which is less than a specified amount. The bill would require beverage manufacturers to pay this fee to the department and would require the department to pay these fees to processors, who would be required to pay a portion of the fee to the recycling center.

The bill would require the department to deposit the redemption values paid by the distributors to the department, processing fees, and fines into the California Beverage Container Recycling Fund, which this bill would create in the State Treasury. The bill would continuously appropriate the money in the fund to the department for expenditure in a specified manner, including the payment of redemption values, expenditure for administrative expenses, and deposit into a reserve for contingencies. The bill would require the amounts remaining in the fund to be deposited into the Redemption Bonus Account, which this bill would create as a subaccount in the California Beverage Container Recycling Fund and would continuously appropriate the money in the account to the department for the awarding of redemption bonuses and convenience incentive payments to recycling centers, and for funding litter abatement and recycling activities and the providing of information, pursuant to a specified formula.

The bill would authorize operators of reverse vending machines or processors to apply to the California Pollution Control Financing Authority for financing assistance and would authorize specified institutions or persons to apply to the State Energy Resources Conservation and Development Commission for loans and grants from the Energy Technologies Research, Development, and Demonstration Account.

The bill would appropriate \$5,000,000 from the General Fund or any other available fund to the department as a loan for the initial costs in carrying out the act.

The bill would prohibit the enforcement or implementation of ordinances, resolutions, rules, or regulations of a city, county, or other public agency establishing refund or redemption values deposits, or fees. The provisions of the bill would become inoperative if a state initiative is adopted or a federal law is enacted which establishes beverage container refunds, deposits, or fees. The bill would also define terms.

The bill would subject any person convicted of violating the act to a fine of not more than \$100 per day, and would subject persons convicted of certain fraudulent actions, a failure to pay redemption values to the department with intent to defraud, or the redemption of redeemed, to specific criminal penalties, thereby imposing a state-mandated local program by creating a new crime. The department would also be authorized to impose a civil fine of up to \$100 per day for violation of these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1291 (AB 2576) Killea. State parks: Old Town San Diego: Ano Nuevo State Reserve.

(1) Under the Budget Act of 1983, \$1,089,000 is appropriated from the Parklands Fund of 1980 for specified construction work at Old Town San Diego SHP.

This bill would amend and supplement the Budget Act of 1986 to appropriate \$377,000 from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 for completion of Phase III restoration at Old Town San Diego SHP.

This bill would also reappropriate for augmentation of schedule (e) of Item 3790-301-721 of the Budget Act of 1983, for purposes of the completion of Phase III historic restoration, any undisbursed balances of the appropriation provided for in schedule (hh) of Item 3790-301-721 of the Budget Act of 1982 and reappropriated in Item 3790-490-721 (13) of the Budget Act of 1986.

(2) The Budget Act of 1985 appropriated \$1,458,000 from the Parklands Fund of 1984 to the Department of Parks and Recreation for the Ano Nuevo State Reserve, but prohibited encumbrance of the funds until the Director of Parks and Recreation certified that at least \$1,000,000 of nonstate funds is available for reimbursement of the appropriation.

This bill would delete the above condition on encumbrance of the appropriation and

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would authorize \$458,000 of the appropriation to be expended under other specified conditions and the remaining \$1,000,000 to be expended when the director certifies that \$1,000,000 of the appropriation will be reimbursed, thereby making an appropriation.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1292 (AB 2678) Moore. Vehicles: operators of heavy trucks: safety study.

(1) Under existing law, the regulation of the business operations of highway carriers is vested in the Public Utilities Commission. The jurisdiction over safety in the maintenance and operation of the vehicles operated by these carriers and the enforcement of laws pertaining to the operation of motor vehicles generally are vested in the Department of the California Highway Patrol.

This bill would direct the commission and the department to jointly conduct a study of safety in the maintenance and operation of heavy trucks, as defined, taking specified matters into consideration, and to report to the Legislature thereon on or before June 30, 1987.

(2) The bill would declare the intent of the Legislature that the study and report required by the bill shall be funded out of existing resources of the commission.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1293 (AB 2832) Killea. Birth defect monitoring.

Pursuant to existing law there is a birth defects monitoring program administered by the State Department of Health Services.

Existing law provides that the program may cover all or any part of the state depending upon funding and other considerations.

Existing law further provides a statement of legislative intent that the program encompass certain specified counties.

The bill would expand the program for the second half of the fiscal year 1986-87 and would specify the counties to be covered by the expansion.

This bill would also state the legislative intent that for the fiscal year 1986-87, the program be funded through the State Budget Act.

Ch. 1294 (AB 2775) N. Waters. Watermelons: payments.

Existing law requires the State Board of Control to consider and approve or reject payment of claims of farmers, shippers, brokers, wholesalers, and retailers who suffered losses due to the confiscation and destruction of watermelons during the summer of 1985. The claims were required to have been filed on or before December 1, 1985.

This bill would limit reimbursement to retailers, as specified. The bill would also appropriate \$6,200,000 from the Special Fund for Economic Uncertainties to the board to make payments of claims approved pursuant to the above provisions of law. The bill would require the Controller to provide a listing of the settlement payments to the Franchise Tax Board and would expressly provide the state has subrogation rights on any claims paid by the appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1295 (AB 2973) Agnos. Medication education.

Existing law provides that savings that occur in the County Health Services Fund due to a lack of applications or for failure of local jurisdiction to expend funds as required may be appropriated to the State Department of Health Services, which may be allocated to local jurisdictions for one-time projects pursuant to priority categories, including certain elderly care projects.

This bill would provide that the priority categories include medication education programs for seniors, as specified.

The bill would also state that, to the extent funds are available and it is administratively feasible, the Director of Health Services shall award funds appropriated for the 1986-87 fiscal year for the category of medication education programs for seniors by November 1, 1986.

Ch. 1296 (AB 3246) Papan. Special education

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Existing law requires that each pupil identified as an individual with exceptional needs be provided with appropriate special education and related services by a school district, special education services region, or county superintendent of schools, as specified. This educational responsibility is stated to apply as to individuals with exceptional needs who are placed in designated hospitals or other health facilities.

This bill would define, and generally refer for this purpose to, "special education local plan areas," rather than "special education services regions."

This bill would specify that the placement of any pupil in a hospital or health facility, as defined, does not constitute a necessary residential placement, pursuant to which the appropriate local educational agency would be responsible for nonmedical care, room and board, and related costs.

This bill would provide for specified home-based and group early education services for individuals younger than 3 years of age who have exceptional needs, and their families. These special education and related services would be provided through the use of a transdisciplinary team, consisting of a group of professionals from various disciplines and parents, and through credentialed personnel made available by the local educational agency.

This bill would authorize the provision of these early education services either directly by a local educational agency or under an interagency or other contractual agreement, as specified.

This bill would specify that these provisions regarding early education would become operative July 1, 1987.

Ch. 1297 (AB 3253) Moore California Environmental License Plate Fund. appropriation museum.

Under existing law, funds in the California Environmental License Plate Fund may be used only to support projects and programs of public agencies and private research organizations which have specified purposes.

This bill would appropriate \$400,000 from the fund to the State Coastal Conservancy for a grant to the National Audubon Society in connection with the construction of environmental education facilities in the Audubon Living Museum if specified environmental education is provided. The bill would require the conservancy to restrict the use of the appropriated funds to environmental education facilities, exclusively, would require that at least 50% of the costs of the environmental education facilities be provided from nonstate funds, and would prohibit the funds from being used for permanent museum buildings. If nonstate funds plus grant funds exceed actual capital costs, the bill would require the grant or a portion thereof to be reverted and deposited in the fund. The bill would declare that the state has no liability or operational responsibility for the museum.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1298 (AB 3315) Wyman. Respite care

Existing law requires the county mental health plan to include a statement of the need for respite services which means temporary and intermittent care for short periods of time for mentally disordered persons who are maintained in small group homes and families and to include a plan to provide such services when feasible. Existing law makes no specific provision for respite care for caretaker relatives maintaining frail elderly persons or functionally impaired adults.

This bill would require the State Director of Health Services and the State Director of Social Services to adopt regulations authorizing specified health facilities, and specified residential facilities, respectively, to provide temporary respite services for frail elderly persons, functionally impaired adults, and mentally disordered persons who need 24-hour supervision and who are being cared for by a caretaker or caretakers.

This bill would require the State Department of Health Services to administer a 3-year demonstration program, in specified licensed health facilities, to provide respite care, as defined, and would require the Office of Statewide Health Planning and Development to report to the Legislature on the implementation of the program on or before July 1, 1989.

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Ch. 1299 (AB 3485) Wright. Sex offenses

(1) Existing law describes rape as, among other things, an act of sexual intercourse with a person not the spouse of the perpetrator (a) where a person is incapable, because of a specified mental disease, defect, or disorder or because of physical disability, of giving consent, and this is known or reasonably should be known to the person committing the act, or (b) where it is accomplished against the person's will by means of force or fear of immediate and unlawful bodily injury on the person or another.

This bill would revise this statute by deleting reference to mental disease, defect, or disorder and instead define the act of rape as occurring where the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability. The bill would also specify that the act of rape occurs where it is accomplished against the victim by means of violence. It thus creates a state-mandated local program by expanding the definition of the existing crime of rape.

(2) Under existing law, it is either a misdemeanor or a felony for any person to induce any other person, not the spouse of the perpetrator, to engage in sexual intercourse, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act.

This bill would revise the crime to include instances where the victim is induced to engage in the penetration of the genital or anal openings by a foreign object, substance, instrument, or device by the above-described means. It thus creates a state-mandated local program by expanding the definition of an existing crime.

(3) Under existing law, it is either a misdemeanor or a felony for any person to commit an act of sodomy or oral copulation on a victim where, among other things, the victim is at the time unconscious of the nature of the act and this is known to the person committing the act.

This bill would make both of these acts exclusively felonies, punishable by imprisonment in the state prison for 3, 6, or 8 years.

This bill also would make it a felony, punishable by imprisonment in the state prison for 3, 6, or 8 years for an unlawful act of sodomy or oral copulation to occur under the following circumstances: where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, administered by or with the privity of the accused, where the victim submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with the intent to induce belief, or where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, as defined. It would thus create state-mandated local programs by creating new crimes.

(4) Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 6, or 8 years, for any person, except as stated below, to cause the penetration of the genital or anal opening of another person by any foreign object, and the victim is at the time incapable, because of mental disease, defect, or disorder or because of physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act and the act is committed for the purpose of sexual arousal, gratification, or abuse. However, existing law provides that if both the victim and the defendant at the time of the commission of the offense are confined to a facility for the mentally disordered, it constitutes either a misdemeanor or felony for any person to commit the above offense.

This bill would recast this existing statute by, among other things, deleting the references to mental disease, defect, or disorder or because of physical disability, and instead apply this penalty where the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability. This bill would require the prosecuting attorney to prove, as an element of the crime, notwithstanding the appointment of a conservator with respect to the victim pursuant to the Lanterman-Petris-Short Act, that a mental disorder or developmental or physical disability rendered the alleged

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victim incapable of giving consent.

This bill would include within the scope of this crime the following: where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, where a person penetrates, in the manner described above, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, and where the victim suffers from the same disabilities as proposed under paragraph (3) above.

This bill would provide, except as otherwise provided in specified provisions of existing law, that any person who participates in an act of penetration of vaginal or anal openings with a foreign object, instrument, or device of a person who is under 18 years of age for the purpose of sexual arousal, gratification, or abuse, shall be punished by imprisonment in the state prison, or in the county jail for a period of not more than one year. This bill would provide, except as provided in specified provisions of existing law, that any person over the age of 21 years who participates in an act of penetration of the vaginal or anal openings with a foreign object of another person who is under 16 years of age for the purpose of sexual arousal, gratification, or abuse, is guilty of a felony. This bill would provide that any person who participates in an act of penetration of the anal or vaginal openings with a foreign object, instrument, or device of another person who is under 14 years of age and who is more than 10 years younger than he or she for the purpose of sexual arousal, gratification, or abuse, shall be punished by imprisonment in the state prison for 3, 6, or 8 years.

This bill would constitute a state-mandated local program since it would create new crimes.

(5) Existing law makes it a felony punishable by imprisonment in the state prison for 3, 6, or 8 years, for any person to commit certain lewd and lascivious acts upon or with the body of a child under the age of 14 years by use of force, violence, duress, menace, or threat of great bodily harm.

This bill would change the reference from threat of great bodily harm to fear of immediate and unlawful bodily injury on the victim or another person. It thus creates a state-mandated local program by expanding the definition of an existing crime.

(6) Existing law provides that any person convicted of a felony in which the person inflicted great bodily injury or used force likely to produce great bodily injury is a habitual offender who shall be sentenced by at least imprisonment for life without eligibility for parole for 20 years if he or she has served 2 or more prison terms for specified crimes. This provision will remain in effect until January 1, 1987, when it will be repealed.

This bill would include in the listing of previously served crimes, for which a conviction of the above-described felonies involving the infliction of great bodily injury requires the person to be deemed a habitual criminal, the act of penetrating the genital or anal openings of another person for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person. It would also change a reference to committing certain sexual crimes by threat of great bodily harm to instead refer to fear of immediate and unlawful bodily injury on the victim or another person in conformance with existing related provisions of law. This bill would also delete the January 1, 1987, repeal date.

(7) Existing law prohibits the granting of probation or the suspension of the execution or imposition of a sentence or the dismissal of a case involving a person who with the intent to inflict such injury, personally inflicts great bodily injury on the person of another in the commission or attempted commission of specified crimes.

This bill would include in the listing of specified crimes, the penetration of the genital or anal openings of another person for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

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This bill would also include in the listing of specified crimes sodomy and oral copulation in violation of specified provisions of existing law.

(8) Under existing law, added by an initiative statute, plea bargaining in any case in which the indictment or information charges any serious felony, as defined, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited; unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

Existing law provides that these provisions shall not be amended by the Legislature except by a statute passed in each house by a rollcall vote entered in the journal, $\frac{2}{3}$ of the membership concurring, or by a statute that becomes effective only when approved by the electors.

This bill would include in the definition of the term "serious felony," as used in these provisions, the penetration of the genital or anal openings of another person for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person. It would also change a reference to committing certain sexual crimes by threat of great bodily harm to instead refer to fear of immediate and unlawful bodily injury on the victim or another person in conformance with existing related provisions of law.

(9) The bill would, in conformance with existing law and changes made by this bill, change reference to committing certain sexual crimes by threat of great bodily harm to instead refer to fear of immediate and unlawful bodily injury on the victim or another person.

(10) The bill would also provide that certain of its provisions will be superseded by other acts enacted in 1986, whether enacted prior or subsequent to this bill.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1300 (AB 3619) Hauser. State contracts: late state payments.

Existing law provides that when a state agency fails, without reasonable cause, to make a payment to a small business or a nonprofit public benefit corporation which has submitted an undisputed claim pursuant to a contract to supply property or services, within 30 days of the required payment date, the agency shall pay a penalty to the small business of $\frac{1}{4}\%$ of the amount due, per day, from the 31st day after the required payment date. Accrual of the penalty ceases on the date that a claims schedule for the claim is submitted to the Controller.

This bill would extend the application of this provision to payments due to nonprofit organizations and would require the Controller to pay the penalty if the Controller fails to pay a claim properly executed and forwarded by a contracting state agency within 30 days of the Controller's receipt of the claim from the contracting state agency.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1301 (AB 3632) Bradley. Medi-Cal.

Under existing law, the State Department of Health Services is authorized to promulgate regulations for the administration of the Medi-Cal program.

This bill would require the State Department of Health Services to establish a committee, to exist only until January 1, 1987, comprised of practicing dentists who are Medi-Cal providers, to review and advise the Director of Health Services on regulations regarding the provision of dental services as Medi-Cal benefits. The bill would require the committee to report to the Legislature by January 1, 1987, on the status of the Denti-Cal program.

The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1302 (AB 3966) Ferguson. Sherman Food, Drug, and Cosmetic Law.

Under the existing Sherman Food, Drug, and Cosmetic Law, the State Department of Health Services and local officials are given various duties to protect the purity of food, drugs, and cosmetics.

This bill would require registration with the department by persons engaged in the manufacturing, packing, or holding of processed food, except as specified, and make it unlawful to manufacture, pack, or hold processed food without so registering. The bill would also increase criminal penalties under the law and authorize the Director of Health Services to order all local health authorities to monitor and inspect food establishments in specified circumstances. Increasing the penalties of a misdemeanor and ordering local officials to perform new duties are both state-mandated local programs.

This bill would redefine the term "device," as that term is used in the Sherman Food, Drug, and Cosmetic Law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs, except costs related to crimes.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1303 (AB 4233) Hayden. Public postsecondary education: office equipment.

Existing law authorizes the governing authorities of the California Community Colleges, the California State University, and the University of California to select and procure office equipment.

This bill would require each campus of the California Community Colleges, the California State University, and the University of California to consider human and ergonomic factors, as described, when they select and procure office equipment and related support equipment, as defined. This bill would also require the governing authorities of the respective segments of postsecondary education to adopt regulations that would be necessary to carry out the provisions of the bill.

This bill would provide that the provisions of the bill would apply to the University of California only to the extent made applicable by resolution of the regents of the university.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement is required for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any remedy available to them under Chapter 4 (commencing with Section 17550) of Part 7 of Division 5 of Title 2 of the Government Code to seek reimbursement for these costs.

Ch. 1304 (AB 4308) Wright. Hazardous wastes and substances: disclosure statements.

(1) Existing law authorizes the State Department of Health Services to issue hazardous waste facilities permits, inspection certificates for vehicles which haul hazardous wastes, and hazardous waste hauler's registrations. The department is authorized to suspend or revoke any registration or permit under specified circumstances.

This bill would require any person applying for a hazardous waste hauler's registration or a hazardous waste facilities permit to include a disclosure statement, as defined, with the application, and would require any other person holding a hazardous waste license, as defined, to file a disclosure statement on or before January 1, 1989, and to provide

certain information thereafter. The bill would exempt a federal, state, or local agency from this requirement.

The bill would require that a fee set by the department in a specified amount be paid by a person submitting a disclosure statement, which fee would be deposited in the Hazardous Waste Control Account to cover the costs of background searches, upon appropriation by the Legislature. The bill would also appropriate \$240,000 from this account to the department to implement these provisions.

(2) Under existing law, the State Director of Health Services is authorized to take or contract for any necessary removal or remedial action, including investigations, whenever there is a release or threatened release of a hazardous substance, in compliance with specified provisions.

This bill would require any person bidding for such a contract to submit a disclosure statement and would authorize the director to prohibit a person from bidding on such a contract if the director makes any of specified determinations.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program by creating a new crime concerning the submission of disclosure statements.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1305 (AB 3666) Hayden. Transportation: tour bus drivers.

(1) Under existing law, an applicant for a driver's license is required to submit to an examination of the Department of Motor Vehicles appropriate to the type of motor vehicle the applicant desires a license to drive. Existing law requires a bus driver to have a class 2 license and a school bus driver to have either a class 2 license or a class 3 license with a certificate issued by the Department of the California Highway Patrol, as specified.

This bill would prohibit any person, on and after July 1, 1987, from operating a tour bus, as defined, unless that person also has, in his or her immediate possession, a certificate to operate a tour bus issued by the Department of Motor Vehicles, thereby imposing a state-mandated local program by creating a new crime. The bill would require the department to issue the certificate only to applicants qualified by examinations prescribed and conducted by the department, and upon payment of a \$41 fee.

The bill would provide for the denial and cancellation, suspension, or revocation of a certificate under specified conditions and make other conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1306 (AB 3262) Katz. Commercial vehicles: tour buses.

(1) Under existing law, each initial application for a certificate or permit to act as a charter-party carrier of passengers is required to be accompanied by a specified fee. Existing law also requires each annual application for a permit and the annual renewal of each certificate to act as a charter-party carrier of passengers to be accompanied by a specified fee.

This bill would require those applications to be accompanied by an additional fee of \$15 per tour bus or a maximum fee of \$6,500 for each operating carrier, to offset the cost of charter-party carrier bus terminal inspections conducted by the Department of the California Highway Patrol. The bill would require those fees to be deposited in the Motor Vehicle Account in the State Transportation Fund.

(2) Under existing law, the equipment, maintenance, and operation of commercial vehicles, including buses, are regulated and certain bus drivers are required to have special certificates to operate specified types of buses, such as schoolbuses, school pupil activity buses, and youth buses, under regulations adopted by the Department of the

California Highway Patrol.

Existing law also requires the Public Utilities Commission to regulate common carriers, including charter-party carriers of passengers, as defined.

This bill would require the denial, suspension, or revocation of a permit or certificate of a charter-party carrier of passengers for a specified time upon specified violations.

The bill would also extend the equipment, maintenance, and operation regulations of the department, as specified, to tour buses and tour bus drivers, violations of which would be a crime, thereby imposing a state-mandated local program. The bill would also define "tour bus" for purposes of the Vehicle Code.

(3) Under existing law, the Department of Motor Vehicles is required to develop a notification process to provide, upon request and payment of a fee, the employer or prospective employer of the driver of a vehicle requiring a specified certificate, with a report showing the driver's public record as recorded by the department, including subsequent convictions, failures to appear, accidents, or driver's license suspensions or revocations, while the employer's request remains valid and uncanceled.

This bill would require the employer or prospective employer of the driver of a tour bus to request participation in the department's notification process, and would require that employer to notify the department to cancel the request upon the termination of the driver's employment, thereby imposing a state-mandated local program by creating a new crime.

The bill would require the operating carrier of a tour bus to obtain the report of the driver's traffic violation record at least every 6 months, except if the operating carrier employs more than 500 tour bus drivers, the bill would require the employer to obtain the report no less than once annually, and would make it a misdemeanor to employ an unlicensed driver to drive a tour bus, thereby imposing a state-mandated local program. The bill would also require a minimum fine, as specified, in addition to the existing maximum fine or imprisonment for driving with a suspended or revoked driving privilege.

The bill would also provide a presumption of exceeding speed limits based upon specified drivers logbook entries and a presumption of exceeding hours of service limitations based upon failure to produce complete logbooks by a driver of specified commercial vehicles.

The bill would make other conforming changes.

(4) The bill would require the Department of Motor Vehicles to make a specified study of commercial vehicle operators and to submit a report to the Legislature on or before January 1, 1988.

(5) The bill would require the commission to review and increase insurance requirements for tour bus operators by January 1, 1988, and to examine whether passenger stage corporations should be included in the program established by this bill. The bill would require the commission to make a specified report on bus carrier standards of financial responsibility and any recommendations for legislation to the Legislature on or before January 1, 1988.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7) The bill would appropriate \$154,000, of which \$92,000 would be to the Department of Motor Vehicles and \$62,000 to the commission, from specified accounts for purposes of the bill.

Ch 1307 (SB 440) Presley. Courts.

(1) Existing law provides that the Court of Appeal for the Fourth Appellate District consists of 3 divisions, including one division which is required to hold its regular sessions at San Bernardino and which has 4 judges.

This bill would require that the division holding regular sessions under existing law in San Bernardino hold its regular sessions in the San Bernardino/Riverside area. The bill would also specify the duties of the Department of General Services in this regard.

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(2) The bill would also appropriate \$275,000 from the General Fund to the Court of Appeal for the Fourth Appellate District in augmentation of the Budget Act of 1986 for these purposes.

(3) The act would declare that it will take effect immediately as an urgency statute.

Ch. 1308 (SB 571) Roberti. Hazardous substances: hotline.

Existing law requires the State Department of Health Services to, among other things, coordinate research and development on methods of hazardous waste handling, storage, use, disposal, and recycling, to maintain a technical reference center on hazardous waste disposal, and to establish an information clearinghouse on recyclable hazardous wastes.

This bill would require the department to establish and maintain a toll-free Toxic Substances Hotline operating during the department's regular working hours to provide information on hazardous waste or appropriate referrals on other toxic substances to the regulated community and the public, and would prescribe related matters.

Ch. 1309 (SB 1633) B Greene. Disability insurance: worker contributions.

Existing law provides for worker contributions in accordance with a specified formula not to exceed 1% of wages to the Disability Fund for the purpose of funding unemployment compensation disability benefits.

This bill would delete the specified formula and would provide that for calendar year 1987, and each subsequent calendar year, the worker contribution rate shall be 1.45 times the amount disbursed from the Disability Fund during the 12-month period ending September 30 and immediately preceding the calendar year for which the rate is to be effective, less the amount in the Disability Fund on that September 30, with the resulting figure divided by total wages paid during the same 12-month period, and then rounded to the nearest $\frac{1}{10}$ of 1%. In no event shall the worker contribution rate exceed $1\frac{1}{10}\%$ or be less than $\frac{1}{10}$ of 1%.

This bill would state the intent of the Legislature that the Director of Employment Development provide notice to employers of employees covered by disability insurance of the change in the worker contribution rate on or before October 31, 1986.

This bill would make an appropriation by providing additional funds for the Disability Fund, a continuously appropriated fund

Ch. 1310 (SB 1521) Presley Prisoners: costs.

Existing law provides that a county board of supervisors may by contract charge the fees of a public defender for representing inmates of the Department of Corrections. Existing law also provides for the recovery, by a city or county, of costs of a trial of a prisoner of a state prison under provisions relating to habeas corpus, trial of a prisoner for a crime at a state prison, or for an insanity hearing. Existing law also provides for the recovery of associated costs of a district attorney.

Existing law also provides for recovery of costs of investigation and evaluation of cases referred by the Department of Corrections.

This bill would repeal those provisions and enact new provisions under which a city or county would be entitled to reimbursement for reasonable and necessary costs connected with state prisons or prisoners relating to any crime at a prison, any crime committed by a prisoner, habeas corpus, any trial or hearing on the question of the sanity of a prisoner, extradition, a coroner's costs in connection with the death of a prisoner, and costs of transportation of a prisoner, or for security while a prisoner is outside a prison.

Costs would include law enforcement costs, costs of a trial or hearing, costs of a prosecuting attorney, costs of a public defender, and other reasonably incurred costs. Costs would include an allowance for overhead and costs connected with elected officials.

A city or county would designate an officer or agency to make a claim, thereby imposing a state-mandated local program. The statement would be sent to the Controller for approval.

The bill would provide that when a detainer is lodged against a prisoner the Department of Corrections may release the prisoner to the agency within 7 days prior to the

scheduled release date or retain custody for up to 7 days after the scheduled release date.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 1311 (SB 1671) B. Greene. California Museum of Science and Industry.

Under existing law, the California Museum of Science and Industry, with the approval of the State and Consumer Services Agency, is authorized to lease, let, or grant licenses for the use of its stadiums, arenas, pavilions, or other buildings.

The bill would prohibit the California Museum of Science and Industry, from December 14 to December 21, inclusive, of any year, from charging parking fees for parking facilities surrounding the Los Angeles Memorial Coliseum when an event is held at the facilities of the museum by a private nonprofit charitable organization for the purpose of collection and distribution of toys and food.

Ch. 1312 (SB 1739) Bergeson. Honey: infant botulism

Existing law does not require the State Department of Health Services to provide information on the association between infant botulism and the consumption of honey.

This bill would, until January 1, 1989, require the department to prepare or contract for preparation and approve an educational pamphlet that describes the association between honey and infant botulism, as specified. The department would be required, upon request and at no charge, to distribute the pamphlet to licensed health facilities and to local health departments. The bill would also state the Legislature's intent to urge health facilities providing prenatal, birthing, or postnatal services to provide the pamphlet to each patient receiving these services.

Existing law requires the department to report to the Legislature on or before March 1, 1985, on the Infant Botulism Prevention Program.

This bill would require a report due on or before March 1, 1988.

The bill would appropriate \$45,000 to the department to cover the preparation, printing, and distribution costs incurred under the bill.

Ch. 1313 (SB 2064) Garamendi. Dispute resolution programs.

Existing law provides for the judicial resolution of contractual and interpersonal disputes

This bill would establish the Dispute Resolution Advisory Council which would establish guidelines for a statewide system of grants to dispute resolution programs, as specified, to be established when the state assumes the responsibility for the funding of trial courts. It would authorize counties to establish programs of grants to public entities and nonprofit corporations for the establishment and continuance of dispute resolution programs, as specified. It would also provide that a fee of not less than \$1 and no more than \$3 may be included by a county within the total fees collected and fixed by statute for the filing of a first paper in a civil action in the superior court or municipal court, to be used for the support of these programs. The bill would require the Legislative Analyst to make a progress report on the implementation of the bill on or before March 1, 1988.

Ch. 1314 (SB 2098) Presley. Prisons

Existing law requires the Department of Corrections to submit completed preliminary plans, proposed staffing patterns, and proposed inmate work programs for master plan facilities to the Joint Legislative Prison Committee and to the fiscal committees of each house, and prohibits the Public Works Board from acting on affected plans without the approval of each committee, except that the failure of a committee to act for 30 days is deemed approval. Under existing law, that committee is to cease existence on January

1, 1987.

This bill would change the name of the Joint Legislative Prison Committee to the Joint Legislative Committee on Prison Construction and Operation and delay the termination date for that committee until January 1, 1993.

This bill would require site plans and the project planning guide for each facility to be submitted to the Joint Legislative Committee on Prison Construction and Operation for review and approval prior to the above-mentioned submissions. It would also provide that the failure of a committee to act for 45 days is deemed approval for the purposes of the above-mentioned requirements. It would also provide that approval under those provisions is in lieu of approval by policy committees required for specified facilities.

Existing law provides that the chairperson and vice chairperson of the Joint Legislative Prison Committee shall each appoint a staff person.

This bill would instead provide that the chairperson shall appoint staff persons.

Existing law authorizes the Department of Corrections to remedy structural and physical deficiencies at the San Quentin prison and Folsom prison and contains appropriations for that purpose.

This bill would authorize the Department of Corrections to remedy structural and physical deficiencies at the San Quentin prison and Folsom prison to comply with specified court orders. It would appropriate \$47,671,310 for that purpose. Of that amount, \$17,764,350 would be from the Special Account for Capital Outlay, \$19,093,960 from the 1986 Prison Construction Fund, and \$10,813,000 from the General Fund for specified purposes. The bill would authorize the Department of Corrections to solicit and award bids to remedy deficiencies at San Quentin and Folsom Prisons but with no obligation pending adoption of the New Prison Construction Bond Act of 1986. It would require the department to report to the Legislature on staffing and funding implications for renovation, and would provide that any savings from the renovations would revert to the General Fund.

The bill would provide that the sum of \$17,764,350 of an appropriation made by a 1984 act, as revised, is reverted to the Special Account for Capital Outlay.

The bill would declare that it would take effect immediately as an urgency statute.

Ch 1315 (SB 2202) Watson. Schools: specialized high school programs.

Existing law authorizes any school district operating one or more high schools, or any consortium of school districts which operate one or more high schools, to submit a proposal to the Superintendent of Public Instruction to establish a school or schools with specialized curricular areas, for pupils in grades 9 to 12, inclusive. School districts that submit proposals as a consortium are required to agree to accept pupils from each district in the consortium at the specialized school. The Superintendent of Public Instruction is required, commencing with the 1984-1985 fiscal year, to allocate funds for the startup costs of these specialized secondary school programs.

This bill would authorize the Superintendent of Public Instruction to enter into an interagency agreement with a consortium of 2 or more school districts to establish an academy of visual and performing arts to operate specialized secondary school programs in visual and performing arts that are conducted outside the regular schoolday, subject to specified requirements of current law.

This bill would authorize the governing boards of any 2 or more school districts, or county offices of education, to form this consortium, which would be authorized, as specified, to operate the academy, including the appointment of a director and the execution of a contract for services from an appropriate campus of a college or university, as specified.

This bill would specify that the participation of pupils in any of the grades 9 to 12, inclusive, may be designated independent study, so as to qualify as pupil attendance for state funding purposes under existing law.

Ch. 1316 (SB 2305) Carpenter. Environmental quality: exemptions.

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined,

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that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Existing law exempts from the act the closing of any public school in which kindergarten or any of grades 1 through 12 is maintained.

This bill would also exempt from the act the transfer of students from that public school to another school if the only physical changes involved are categorically exempt under guidelines adopted by the Secretary of the Resources Agency.

Ch. 1317 (SB 2370) Watson. Child support.

Existing law provides that a court may order either or both parents to pay any amount necessary for the support, education, and maintenance of a minor child.

The bill would make various changes with respect to provisions relating to child support including (1) requiring the Franchise Tax Board to provide to the district attorney the address of an absent parent whose income tax refund is to be offset against back child support; (2) requiring counties to provide specified information to specified AFDC recipients or former recipients on an annual basis, thus establishing a state-mandated local program; and (3) requiring the State Department of Social Services to submit a specified proposal for the provision of assistance to counties that experience a decrease in federal incentive payments as a result of a specified federal law to the Legislature by February 1, 1987.

Existing law requires the completion of a state medical insurance form by a party to an action for the enforcement of child support.

This bill would repeal and reenact those provisions, as recast. The bill would require the district attorney to seek a provision in specified orders for child support providing for health insurance coverage should it become available at no or nominal cost, and would impose related duties upon the State Department of Health Services and the district attorney, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1318 (SB 2408) Maddy. Long-term health care.

Under existing law, the State Department of Health Services, upon compliance with specified criteria, is required to issue a single consolidated license to a general acute care hospital which has more than one physical plant maintained and operated on separate premises or which has multiple licenses for a single health facility on the same premises. Existing law provides that, except as specified, a single consolidated license shall not be issued if the separate physical plant is a skilled nursing or an intermediate care facility located on premises not adjacent to the general acute care hospital.

This bill would provide that, except as specified, a single consolidated license shall not be issued where the separate freestanding plant is a skilled nursing facility or an intermediate care facility regardless of whether the location of the skilled nursing facility or intermediate care facility is contiguous to the general acute care hospital. This bill would provide that the above provision shall not apply to any project for which a certificate of need was issued or for which an application for licensure was submitted, prior to January 1, 1987.

Ch. 1319 (SB 1691) Boatwright. Settlement of actions: appropriation: Department of Justice.

This bill would appropriate \$435,000 from the General Fund to the Department of Justice to pay the settlements in 2 specified cases involving the State of California.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1320 (SB 1953) Maddy. Health facilities.

Under existing law, various types of health facilities are defined, including a "skilled

nursing facility," which is a health facility providing skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

This bill would provide that the definition of "skilled nursing facilities" shall not be construed as restricting the use of skilled nursing facilities having 20 beds or less in a demonstration project to evaluate the accommodation of postsurgical care patients for periods not exceeding 2 days, or 3 days if required by a physician.

This bill would further require the Office of Statewide Health Planning and Development to establish a demonstration project not to exceed 3 years to evaluate the accommodation of those patients specified and would require the office to submit the evaluation, containing specified information and recommendations, to the Legislature within one year of the conclusion of the demonstration project.

The Director of Statewide Health Planning and Development would be authorized to appoint an advisory committee with no more than 7 members, and the members would be eligible for reimbursement for their expenses. The office would be authorized to contract with consultants which would be exempt from certain requirements of the Public Contract Code, and would be authorized to adopt emergency regulations

Ch. 1321 (AB 3875) W. Brown. Commercial insurance: cancellation and non-renewal.

(1) Existing law, with respect to certain types of personal insurance covering specified residential property loss or damage and noncommercial liability, specifically regulates policy cancellation and renewal.

This bill, would, with respect to commercial insurance, as defined, providing coverage of real and personal property insurance, legal liability, and errors and omissions liability with specified exceptions, prohibit an insurer from canceling those policies after they have been in effect for 60 days unless the cancellation is based upon certain enumerated factors, and specified notice has been given. Among other grounds for cancellation would be a determination by the Insurance Commissioner that loss of or changes in reinsurance justify cancellation or changes in the term or rate. The bill would provide that a certification made under penalty of perjury by an officer of the ~~insured~~ [insurer]* regarding the fact that the loss or change will threaten the financial integrity or solvency of the ~~insured~~ [insurer]* shall constitute such determination unless disapproved by the commissioner. The bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program. A second ground for the cancellation would be that continuation of coverage would place the insurer in violation of law. The cost of the determination would be paid by the insurer and, therefore, would be deposited into the continuously appropriated Insurance Fund. The bill would not prohibit an insurer from increasing the premiums for those policies of insurance under specified circumstances.

(2) Existing law prohibits an insurer from failing to renew those policies of personal property insurance specified in (1) unless the insurer has provided a notice at least 45 days in advance at the end of the policy period of its intention not to renew or to condition its renewal upon a reduction of limits or elimination of coverages

This bill would, as to the commercial policies covered by this bill, require an insurer to notify the insured, at least 45 days, but not more than 120 days, prior to the end of the policy period of the intent not to renew, to reduce limits, to eliminate coverage, or to increase premiums more than 25%. If that notice is not given, the policy of insurance would continue unchanged, as specified. A notice of nonrenewal would not be required under specified circumstances.

The bill would also provide that a policy with no fixed expiration or with a term of less than one year shall be considered to be a policy for a term of one year, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1322 (AB 353) Moore. Insurance: notice of renewal.

Existing law, with respect to automobile insurance, requires an insurer to offer to renew a policy contingent upon premium payment unless the insurer mails or delivers to the named insured at least 20 days advance notice of nonrenewal.

This bill would require, at least 20 days prior to policy expiration, an insurer to deliver or mail a written or verbal offer of renewal contingent upon premium payment or a notice of nonrenewal. If the insurer fails to do so the existing policy would remain in effect for 20 days from the date that either an offer to renew or a notice of nonrenewal is delivered or mailed to the named insured. The insured would be required to provide a notice to this effect to the named insured.

Existing law, with respect to certain property insurance, provides that an insurer shall mail or deliver a notice of nonrenewal or a reduction in policy limits or coverage at least 45 days in advance of the policy period, otherwise the insurer must renew the policy.

This bill would revise that provision and require, at least 45 days prior to policy expiration, that the insurer deliver or mail an offer of renewal contingent upon payment, as specified, or a notice of nonrenewal. If the insurer fails to comply, the existing policy would remain in effect for 45 days from the date that either the offer to renew or the notice of nonrenewal is delivered or mailed to the named insured. The insurer would be required to provide a notice to this effect to the named insured.

The bill would also provide that its provisions are to become operative July 1, 1987.

Ch. 1323 (AB 635) Hughes. Child care: liability insurance.

Existing law provides for a task force to make recommendations to the Legislature regarding child care liability insurance.

This bill would provide that the task force shall continue its review of certain data through 1987 as a legislative advisory committee. It would require that committee, by December 1, 1987, to issue a report to the Legislature on the availability and affordability of child care liability insurance.

Ch. 1324 (AB 710) M. Waters. Motor vehicle insurance fraud.

Existing law provides that it is unlawful to knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance, to knowingly file multiple claims for the same loss or injury with more than one insurer with an intent to defraud the insurer, or to knowingly prepare, make, or subscribe any writing to be presented in support of that claim.

This bill would instead revise portions of the above to provide that it is unlawful to present or cause to be presented any false or fraudulent claim for the payment of a loss, including payment of a loss under a contract of insurance and to knowingly present multiple claims for the same loss or injury, including presentation of multiple claims to more than one insurer, with an intent to defraud. It would additionally make it unlawful to knowingly cause or participate in a vehicular collision or any other vehicular accident for the purpose of presenting a fraudulent claim.

Under existing law, prosecution for insurance fraud, as specified, must be commenced within 3 years of the commission of the offense.

This bill would provide instead that prosecution for insurance fraud shall be commenced within 3 years after discovery of the commission of the offense.

This bill would create a new crime, thus imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1325 (AB 2610) Katz. Driver improvement: vehicle insurance.

(1) Under existing law, the Department of Motor Vehicles is authorized to establish standards and develop criteria for driver education programs.

This bill would additionally require the department to establish standards and develop criteria for the approval of a mature driver improvement course specifically designed

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for the safe driving needs of drivers 55 years of age or older. The course curriculum would include, but not be limited to, specified components. Under other provisions of law, violations of these provisions would be an infraction, thereby imposing a state-mandated local program.

The bill would also provide that drivers who successfully complete the course would receive a certificate provided by the department and awarded by the course provider, which would be suitable evidence of eligibility for reduced motor vehicle liability insurance premiums for 3 years from the date of successful completion of the course. A fee, determined by the department, would be charged each course provider, and each approved course provider would be required to charge each course applicant a fee not to exceed \$20. The bill would require the department to charge a fee not to exceed \$3 for each completion certificate issued. The bill would expressly require the fees received by the department to be deposited in the Motor Vehicle Account in the State Transportation Fund pursuant to existing requirements of law.

The bill would also authorize the department to revoke the approval of a course for specified reasons.

The bill would require the department to submit a report, as specified, to the Legislature by July 1 of each year, beginning with July 1, 1989.

(2) Existing law provides that motor vehicle liability insurance rates are regulated so as not to be excessive, inadequate, or unfairly discriminatory in order to promote the public welfare

This bill would require admitted motor vehicle liability insurers to reduce the premium rates by an appropriate reduction for drivers 55 years of age or older by an amount determined by the insurer based on actuarial and loss experience data, as specified, if the driver can produce proof of successful completion of a mature driver improvement course. The insured driver would be required to enroll in and successfully complete the course every 3 years to continue to be eligible for the reduced premium. The insurer would be required to reassess the percentage of reduced premium upon renewal of the insured's policy and the insured's eligibility for any percentage of premium reduction would be effective for 3 years. The insured would be disqualified for the reduced premium under specified conditions.

(3) The bill would make legislative findings and declarations

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

The bill would provide that no reimbursement is required by this act for a specified reason.

(5) The bill would become operative on July 1, 1987.

Ch. 1326 (AB 3357) Papan Insurance

Existing law requires the Insurance Commissioner to make an annual report concerning the condition of the insurance business

This bill would require the Insurance Commissioner to contract with the Judicial Council to provide an annual report analyzing specified types of tort cases. A copy of the report would be provided to the Legislature.

The bill would appropriate \$38,000 from the Insurance Fund to the Insurance Commissioner for purposes of the bill.

Ch. 1327 (AB 3554) Hauser. Liability Local Agency Self-Insurance Authority.

Existing law authorizes public agencies to jointly exercise powers. The California Constitution authorizes local agencies to join with other agencies to provide for the payment of certain liabilities by an insurance pooling arrangement under a joint exercise of powers agreement

This bill would authorize local agencies to enter into a joint pooling agreement to form an insurance pooling arrangement for the payment of tort liability or public liability losses. The arrangement would be administered by a single statewide agency known as the Local Agency Self-Insurance Authority

The authority would have the power to issue revenue bonds or certificates of partici-

pation.

The authority would provide coverage only for liability in excess of \$1,000,000, but not to exceed \$25,000,000.

The bill would appropriate \$345,000 from the General Fund for a loan to the authority.

Ch. 1328 (AB 3604) Wright. Insurance.

Existing law generally specifies the powers and duties of the Insurance Commissioner. Among other things, existing law requires insurers doing business in this state to file an annual statement with the commissioner as to their financial conditions and affairs.

This bill would require, at the commissioner's request, the filing of additional supplemental information by all insurers when any insurer requires immediate regulatory attention. The bill would require this supplemental information to be prepared by an independent certified public accountant or independent actuary when requested by the commissioner. The bill would require that, when supplemental information requested by the commissioner is prepared by an independent certified public accountant, actuary, or professional financial person, an opinion shall be rendered thereon by the preparer. The bill would require specified work papers and communications of insurers to be retained and made available to the commissioner, as specified. The bill would make all of the above information obtained by the commissioner confidential and exempt from a subpoena or subpoena duces tecum.

Existing law does not specifically grant the Insurance Commissioner the authority to adopt administrative regulations for modified guaranty annuities.

This bill would require the commissioner to adopt appropriate administrative regulations governing modified guaranteed annuities. It would also require the commissioner to issue a bulletin setting forth the conditions under which variable life insurance may be issued and would provide that the bulletin shall supersede specified existing regulations as long as the bulletin is effective.

The bill would also authorize the commissioner to suspend the privilege of appearing or practicing before the commissioner, as specified.

Ch. 1329 (AB 4406) W Brown. Insurance.

Existing law requires every insurer doing business in the state to file an annual statement with the Insurance Commissioner containing specified information regarding the operations of the insurer, and makes confidential all communications to the Insurance Commissioner regarding the holder of, or an applicant for, a certificate or license issued by the commissioner.

This bill would require every insurer doing business in this state, except as specified, to file an additional report each year containing further information for certain classes of insurance, as specified.

The bill would require the Insurance Commissioner to designate those classes of insurance that are generally unavailable or unaffordable or for which there have been unusually great premium increases, and those classes and other designated classes would be required to report specified information.

The bill would prohibit insurers from ceasing to offer any class of commercial liability insurance without prior notification to the Insurance Commissioner.

Existing law requires the Insurance Commissioner to make an annual report.

This bill would require the commissioner to make an additional report to the Governor and to the Legislature, as specified, and to adopt emergency regulations implementing the bill.

Ch 1330 (SB 1159) Royce. Community care facilities: foster family homes and small family homes: insurance.

(1) Existing law does not require the state to insure foster family homes and small family homes.

This bill would establish the Foster Family Home and Small Family Home Insurance Fund within the State Department of Social Services which would be required to pay, on behalf of foster family homes and small family homes, as defined, specified claims of foster children, their parents, and guardians resulting from occurrences peculiar to the

foster-care relationship and the provision of foster-care services, or to make reimbursement. The bill would limit the fund's liability to \$300,000 per home covered for occurrences during a single calendar year.

The bill would specify the coverage and exclusions of damages for which the fund would be liable. The bill would specify times and procedures for submitting claims against the fund and would make other provisions relating to claims and civil actions applicable. The bill would require the Department of Insurance to make a prescribed report to the Legislature by January 1, 1988.

(2) Existing law does not specifically prohibit an insurer from refusing to issue or cancelling homeowners' or tenants' policies solely on the basis that foster home activities are conducted on the premises.

This bill would enact that prohibition, but would exclude certain liability respecting foster care from the coverage of these policies, including liability of the type assumed by the state under this bill. There would be no penalty for violation of these provisions before January 1, 1987. The bill would permit insurers to provide a special endorsement for claims related to foster care.

(3) Existing law provides that there is no cause of action for alienation of affection. This bill would expressly provide that there is no cause of action against a foster parent for alienation of affection of a foster child.

(4) The bill would appropriate \$350,000 for allocation to the Foster Family Home and Small Family Home Insurance Fund and the department for the bill's purposes during the 1986-87 fiscal year, in accordance with a prescribed schedule.

(5) Certain provisions of the bill would become inoperative on June 30, 1988, and would be repealed as of January 1, 1989.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1331 (SB 1590) Robbins. Insurance.

Existing law does not require the Insurance Commissioner to approve the withdrawal of any line of coverage by a property and casualty insurer.

This bill would do so. Specifically, the bill would prohibit ~~a property and casualty insurer from withdrawing any line of coverage of specified property~~ [certain insurers from ceasing to offer any particular line of coverage]* without prior notification to the commissioner. The bill would also permit the commissioner to authorize the formation of a marketing assistance program for commercial liability insurance for classes of risk for which liability insurance is not readily available under standard commercial policy forms, as specified.

Ch. 1332 (SB 2011) Petris. Insurance: financial statements.

Existing law requires every insurer doing business in this state on or before the first day of March to make an annual filing with the Insurance Commissioner of its condition and affairs. The commissioner is authorized to collect a filing fee of \$118.

This bill would increase the filing fee to \$200. It would also require the commissioner to prepare an annual report, as specified, summarizing financial data for all property and casualty insurers and for all life and disability insurers for annual presentation to the Legislature on or before June 15, as specified. These provisions would remain in effect only until January 1, 1990, and on that date would be repealed.

Ch. 1333 (SB 2498) Mello. Health insurance: long-term care.

Under law to become effective January 1, 1987, the Department of Insurance will be required to conduct a study of the feasibility of insurance policies offering coverage for services provided by a home health agency, or for in-home supportive services, regardless of prior confinement in a hospital or nursing facility. The department will be further required to consult with other state agencies and to report to the Legislature on or before June 30, 1987.

This bill would amend those provisions to require the Department of Insurance to conduct the study in consultation with the Departments of Aging and Health, and to include in the study other nontraditional long-term care services and custodial care in a licensed long-term health care facility, as specified. The bill would also specify further

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issues to be considered by the study, and require the appointment of an ad hoc advisory committee with regard to long-term care insurance, as specified.

Ch. 1334 (AB 169) Harris. Discovery.

Existing law contains comprehensive provisions governing pretrial discovery in civil actions.

This bill would repeal those provisions and would enact new comprehensive provisions governing discovery.

It would generally permit the discovery of any unprivileged matter relevant to the subject matter of the action. It would specifically permit discovery of liability insurance. It would limit the discovery of the work product of attorneys and others. It would permit the court to limit discovery.

It would authorize discovery by deposition, interrogatories, inspections, and requests for admissions.

With respect to a discovery subpoena, it would require the prepayment of certain fees, whether or not demanded.

It would permit parties to vary requirements by stipulation.

The bill would authorize specified sanctions for the abuse of the discovery process.

It would authorize a deposition to be recorded by audio tape or video tape, in addition to stenography.

It would limit the number of depositions of a person to one, and would also limit interrogatories and requests for admissions.

The bill would enact related provisions.

The bill would become operative on July 1, 1987, and only if AB 1334 is enacted.

Ch. 1335 (AB 3300) W. Brown. Trial courts: delay.

(1) Existing law specifies the duties of the Judicial Council relative to court administration, practice, and procedure.

This bill would enact the Trial Court Delay Reduction Act of 1986, requiring the Judicial Council to adopt standards of timely disposition for the processing and resolution of civil and criminal actions, to collect, maintain, and publish certain statistics, to establish a 3-year exemplary delay reduction program in designated courts, as specified, thereby creating a state-mandated local program by requiring a higher level of service under an existing program; and to report to the Legislature thereon no later than July 1, 1991.

(2) The bill would appropriate \$130,000 from the General Fund to the Judicial Council for purposes of the act, and state the intent of the Legislature with regard to future funding.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1336 (AB 1334) Harris. Discovery of expert witnesses.

Existing law establishes procedures for the exchange of lists of expert witnesses in civil litigation, descriptions of the witnesses, and the general substance of their testimony, compensation, and other matters relating to these witnesses.

This bill would repeal those provisions and, instead, enact provisions for discovery by the physical or mental examination of a person where the mental or physical condition is in controversy, as specified, and for discovery by the exchange of expert trial witness information, and would enact related provisions.

The bill would become operative on July 1, 1987, and only if AB 169 is enacted.

Ch. 1337 (SB 1561) Beverly. Jurors

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(1) Under existing law, a trial jury consists of 12 persons, or, with respect to civil actions or misdemeanor cases, any lesser number agreed upon by the parties in open court, except that under a pilot project in the County of Los Angeles from July 1, 1982, to July 1, 1985, trial juries in civil actions in municipal and justice courts consisted of 8 persons.

This bill would reestablish that pilot project for the period July 1, 1987, to July 1, 1989, but would only authorize, rather than require, the use of 8-person juries in Los Angeles County during that period. The assignment of cases to 8-person juries would be determined according to rules adopted by the Judicial Council. The Judicial Council would be required to appoint an advisory committee consisting of specified members to make recommendations regarding the design of the 8-person jury experiment and would be required to report to the Legislature comparing the performance of 8 and 12 person juries by January 1, 1990. The project courts would be required to provide information to the Judicial Council for that report, thereby imposing a state-mandated local program by requiring a new service.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

(3) The bill would appropriate \$50,000 to the Judicial Council for the purposes of the bill.

Ch. 1338 (SB 1146) McCorquodale. Energy.¹²

(1) Existing law authorizes the establishment of small business development corporations and authorizes them to provide financial assistance to small businesses. Existing law establishes the Small Business Development Loan Guarantee Account, and provides for the transfer of funds from that account to small business development loan guarantee funds established by small business development corporations, to be used to guarantee loans to small businesses.

This bill would direct the State Energy Resources Conservation and Development Commission to establish a small business energy assistance low-interest revolving loan program to fund the purchase of equipment for alternative technology energy projects for California's small businesses.

(2) Existing law provides for the State Assistance Fund for Energy, California Business and Industrial Development Corporation, the purpose of which is to provide financing assistance to qualified alternative energy business firms or to small businesses for the purpose of purchasing, installing, replacing, or implementing an alternative energy system, and related purposes.

This bill would provide for the establishment by that corporation of an energy efficiency improvements loan fund, for the purpose of reducing the energy consumption of small businesses, through the installation of energy conservation, load management, or other devices to improve energy efficiency. The corporation would be authorized to make loans to small businesses for those purposes, as specified. The bill would also revise the membership of the board of directors of the corporation by deleting the Controller and the president of the corporation as official members.

The bill would also require the corporation and the Energy Extension Service in the Governor's office to provide a technical assistance program.

(3) The bill would require the deposit into the Federal Trust Fund of funds received by the state from the federal petroleum violation escrow funds, as specified, and would appropriate \$18,000,000 from that trust fund to the Controller, \$4,000,000 of which would be for disbursement to the State Energy Resources Conservation and Development Commission for purposes of the bill, \$10,000,000 of which would be for disbursement to the Energy Extension Service of the Office of Planning and Research for disbursement to the corporation for purposes of the bill, and \$4,000,000 of which would be for disburse-

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ment to the Energy Extension Service to provide small business energy accounting service, as specified.

Ch. 1339 (AB 694) Hauser. Petroleum violation funds: appropriation.¹³

(1) Existing law prescribes the required courses of instruction for grades 7 through 12, including, among other things, the provision of automobile driver education courses, as specified.

This bill would impose a state-mandated local program by requiring courses in automobile driver education to include instruction in vehicular air quality control and inspection, the maintenance and functioning of automobile emission control devices, the proper handling of gasoline vapor recovery equipment, and vehicle fuel efficiency techniques.

(2) Existing law authorizes school districts to offer automobile driver training programs in accordance with prescribed standards.

This bill would require the State Department of Education to adopt rules and regulations requiring all automobile driver training vehicles to be fitted with instrumentation providing information on fuel consumption and vehicle fuel efficiency, including, but not limited to, vacuum gauges, fuel efficiency meters, or computerized fuel equipment.

This bill would require the department to conduct workshops to provide in-service training to automobile driver training instructors on fuel efficient driving.

This bill would require the Superintendent of Public Instruction to review claims submitted by school districts for reimbursement for the costs of fitting automobile driver training vehicles with fuel consumption and efficiency instrumentation required by this bill, and would authorize the superintendent to approve claims in specified amounts for the installation or transfer of this equipment. This bill would require allowances for these claims and the costs of workshops conducted by the State Department of Education to be allocated by the superintendent from the Petroleum Violation Escrow Account, as prescribed.

The bill would, to the extent permitted by federal law, appropriate \$750,000 received by the state from the petroleum violation escrow funds, as defined by federal law, (hereafter PVEA funds) to the State Energy Resources Conservation and Development Commission for allocation to the superintendent for the above purposes.

(3) Existing law also makes the Department of Commerce the primary agency for promoting economic development in the state.

This bill would require the department to enter into an agreement with the California Energy Extension Service of the Office of Planning and Research to assist small businesses in reducing energy costs through low-interest loans and providing technical assistance through Regional Development Corporations which the bill would authorize to grant energy efficiency improvement loans.

The bill would, to the extent permitted by federal law, appropriate \$14,000,000 of the PVEA funds to the California Energy Extension Service of the Office of Planning and Research, for transfer to the ~~Department of Commerce~~ [department]* to carry out those purposes.

(4) The bill would, to the extent permitted by federal law, appropriate \$3,000,000 of the PVEA funds to the California Energy Extension Service of the Office of Planning and Research for Native American community energy services activities.

(5) Under existing law, the State Energy Resources Conservation and Development Commission has various powers and duties relating to energy conservation.

This bill would do all of the following:

(a) Create the Ridesharing Vanpool Revolving Loan Fund which would be administered by the commission. The bill would continuously appropriate all money in the fund to the commission for a vanpool loan program. The commission would be required to allocate funds for loans to applicants in accordance with recommendations of the Department of Transportation. The department would be required to establish procedures for making vanpool loans in accordance with specified requirements. The bill would, to the extent permitted by federal law, appropriate \$2,000,000 of the PVEA funds, for deposit in the fund.

(b) Require the Legislative Analyst to report to the Legislature on the status of the

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fund by March 1, 1989.

(c) Authorize, until January 1, 1989, the commission to make grants to cities, counties, and districts that apply for assistance in paying the costs of local energy conservation programs, as specified and, to the extent permitted by federal law, appropriate \$16,500,000 of the PVEA funds, to the commission for the purposes of the grant program.

(d) Appropriate, to the extent permitted by federal law, \$1,750,000 of the PVEA funds to the commission, for specified transportation purposes and for a study and demonstration project involving a program of event management by improving transportation flow, as specified.

~~(6) Under existing law, the commission is required to use money in the Clean Coal Account in the General Fund for contracts for development and demonstration projects utilizing coal~~

~~This bill would repeal the above provisions.~~

~~(7) * Existing law requires the State Office of Economic Opportunity to administer federal Low-Income Home Energy Assistance Block Grant funds for specified energy assistance activities.~~

This bill would, to the extent permitted by federal law, appropriate \$3,500,000 of the PVEA funds, to the office for a contract with the Department of Housing and Community Development to provide specified energy assistance activities for farmworker, senior citizen, and low-income residential housing

~~(8) [(7)]* Existing law authorizes the establishment of year-round and continuous public school programs.~~

AB 2926 would appropriate \$30,000,000 of PVEA funds to the State Allocation Board for allocation to school districts for the purchase and installation of air-conditioning equipment and insulation materials for schools operating on a year-round and continuous basis, as specified

The bill would, if this bill and AB 2926 are enacted and this bill is enacted last, repeal that provision and instead appropriate a like amount to the State Energy Resources Conservation and Development Commission from PVEA funds received pursuant to a specific case for the same purposes.

~~(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement; including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.~~

~~This bill would impose state/mandated local costs by requiring school districts to include instruction in vehicular air quality control and inspection; the maintenance and functioning of automobile emission control devices; the proper handling of gasoline vapor recovery equipment; and vehicle fuel efficiency techniques in courses of driver education offered in grades 7 through 12.~~

~~This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.*~~

Ch 1340 (SB 1147) Presley. Fuels. appropriation: petroleum violation escrow funds. ¹⁴

(1) Under existing law, the State Energy Resources Conservation and Development Commission is authorized to carry out technical assessment studies on all forms of energy and energy-related problems

This bill would create the Clean Fuels Account in the General Fund. The bill would require the commission, in conjunction with the State Air Resources Board, to carry out a technology development and financial assistance program relating to the use of methanol fuel. The bill would authorize the commission to establish a grant program providing production incentives for specified liquid fuels.

(2) Under existing law, petroleum violation escrow funds, as defined in federal law, are disbursed to the State of California by the federal government and are deposited in the Federal Trust Fund in the State Treasury, a continuously appropriated fund.

This bill would, to the extent permitted by federal law, transfer to the Clean Fuels

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Account and appropriate \$7,500,000 of the money in the Federal Trust Fund received by the state from the petroleum violation escrow funds, as defined by federal law, to the commission for the purposes of the bill related to methanol fuel, as specified, and would appropriate \$6,500,000 to the commission for the grant program for production incentives for liquid fuels.

Ch. 1341 (SB 1145) Mello. Alternative energy sources: farm energy assistance appropriation: petroleum violation escrow account.¹⁵

Under existing law, the State Energy Resources Conservation and Development Commission is required to make loans and is authorized to provide contract research funding, as defined, for the purposes of making energy technologies more efficient and cost effective, and to develop new cost-effective alternative sources of energy, as defined. All money deposited in the Energy Technologies Research, Development, and Demonstration Account in the General Fund is to be used by the commission for financing energy research, development, or demonstration projects, as specified.

Under existing law, money in the petroleum violation escrow account, as defined in federal law, has been disbursed to the State of California by the federal government and is deposited in the Federal Trust Fund in the State Treasury, a continuously appropriated fund.

This bill would, to the extent permitted by federal law, appropriate \$7,500,000 of the money in the Federal Trust Fund received by the state from federal oil overcharge funds in the petroleum violation escrow account, as defined by federal law, and received by the state from federal oil overcharge funds available pursuant to court judgments, for transfer, with \$2,500,000 to the Energy Technologies Research, Development, and Demonstration Account for the purposes of carrying out demonstration projects related to energy technologies and development of alternative sources of energy, as specified, and \$5,000,000 to the commission for a farm energy assistance program, as specified.

The bill would make legislative findings and declarations

Ch. 1342 (SB 1144) Rosenthal. Low-Income Home Energy Assistance Program.¹⁶

Under existing law, the Department of Economic Opportunity is required to receive and administer the federal Low-Income Home Energy Assistance Block Grant, pursuant to a specified allocation formula.

This bill would appropriate \$65,000,000 from funds in the Federal Trust Fund received by the state from federal oil overcharge funds available from the Petroleum Violations Escrow Account pursuant to federal law, or pursuant to judicial decisions or federal agency orders, to the Department of Economic Opportunity, for purposes of the various components of the Low-Income Home Energy Assistance Program, as specified.

Ch 1343 (SB 880) L. Greene. Energy assistance: appropriation: petroleum violation escrow funds.¹⁷

(1) Under existing law, the State Energy Resources Conservation and Development Commission is authorized to make energy conservation assistance loans to schools, hospitals, public care institutions, or units of local government from moneys appropriated from the State Energy Conservation Assistance Account in the General Fund.

This bill would authorize the commission to provide financial assistance to local jurisdictions, as defined, for energy training and management assistance and to provide loans to local jurisdictions for energy project assistance.

The bill would require the commission to enter into an agreement with the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges for the expenditure of petroleum violation escrow funds to improve energy efficiency at state-supported universities and colleges, as specified.

The bill would require the California Energy Extension Service of the Office of Planning and Research to enter into an agreement with the State Department of Education to expend petroleum violation escrow funds to provide grants to school districts for planning and management of energy conservation and development projects and would require the commission to enter into an agreement with the department to provide

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loans to school districts to purchase, maintain, and evaluate energy-efficient equipment and small power production systems.

The bill would authorize the Department of Transportation to award financial assistance to local jurisdictions for specified traffic flow efficiency purposes.

The bill would require the commission to appoint an advisory committee with 10 members to perform specified duties. The commission, with the advisory committee's recommendations, would be required to design a program providing for financial assistance by March 1, 1987.

The bill would require the commission and the department to report to the Legislature by January 1, 1988, and every 2 years thereafter, on program activities under the bill. The bill would establish the Local Jurisdiction Energy Assistance Account in the General Fund and would require moneys appropriated for the bill and loan repayments to be deposited in the account and disbursed by the Controller as authorized by the commission. The bill would make the provisions inoperative on July 1, 1996, and would repeal them on January 1, 1997, unless a later enacted statute deletes or extends those dates.

(2) Under existing law, petroleum violation escrow funds, as defined in federal law, are disbursed to the State of California by the federal government and are deposited in the Federal Trust Fund in the State Treasury, a continuously appropriated fund.

This bill would, to the extent permitted by federal law, appropriate \$45,500,000 of the moneys in the Federal Trust Fund received by the state from the petroleum violation escrow funds, as defined by federal law, with \$34,000,000 to the commission for the purposes of the bill, as specified, \$7,500,000 to the department, as specified, and \$4,000,000 to the California Energy Extension Service, as specified.

Ch 1344 (AB 3928) Isenberg State employees

Existing law prohibits state officers and employees from engaging in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.

Under these provisions, each appointing power, subject to the approval of the Department of Personnel Administration, is required to determine those activities which for the employees of the appointing power violate the above prohibition. The appointing power is to consider specified types of employment activities or enterprises in making this determination.

This bill would instead prohibit any state officer or employee from engaging in any employment activity, or enterprise, which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee.

The bill would also modify the provisions which specify the types of employment activities and enterprises to be considered in determining which activities and enterprises violate the above prohibition.

Existing law permits the Department of Personnel Administration to adopt regulations governing the application of the provisions. These rules may include provision for notice to employees prior to a determination of proscribed activities and for appeal by employees from such a determination or from its application to an employee.

This bill would require rules to be adopted by the Department of Personnel Administration concerning these provisions, and would require that these rules include notice to, and appeal rights for, employees, as described above. It would specify that existing procedures shall remain in effect until the department has adopted the required rules.

Ch. 1345 (AB 4272) Bronzan. Adoption.

Existing law authorizes the State Department of Social Services or a local public adoption agency to require persons desiring to adopt a child to be fingerprinted and to secure the full criminal record of those persons.

The bill would require the State Department of Social Services, a local public adoption agency, or a licensed private adoption agency to require fingerprinting of those persons and to secure any criminal record, as specified, and would authorize these agencies to

secure the full criminal record, if any, of those persons from an appropriate law enforcement agency, thus establishing a state-mandated local program. It would require any such record to be taken into consideration when evaluating a prospective adoptive parent and also would require an assessment of the effect of the criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child to be included in the agency's report to the court, this latter requirement would also establish a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

The bill would also authorize an adoption agency or the State Department of Social Services to defer, waive, or reduce the fee charged by a law enforcement agency, as specified.

Ch. 1346 (AB 1605) Jones. Agriculture: litigation expenses.

Existing law does not appropriate an annual amount to cover litigation expenses incurred by the Bureau of Market Enforcement in the Department of Food and Agriculture.

This bill would make an appropriation by annually appropriating \$100,000 from the Department of Food and Agriculture Fund to the department for litigation expenses incurred by the bureau in civil actions undertaken by the bureau and charged by the Attorney General. The bill would also provide that, if this appropriation is exhausted, additional litigation costs would be paid for, when the bureau or the department is a defendant or cross-defendant, 20% from the Department of Food and Agriculture Fund and 80% from the General Fund and would specify that legal costs incurred from one fiscal year to the next shall not be charged to the annual \$100,000 appropriation, but shall be paid 20% from the Department of Food and Agriculture Fund and 80% from the General Fund.

The bill would specify that, in civil actions in which the bureau is a party, the prevailing party may be awarded court costs and attorneys fees.

Ch. 1347 (AB 1912) Tucker Respiratory therapy.

Existing law requires the Respiratory Care Examining Committee to approve schools furnishing courses of study in respiratory care which meet the standards of the Respiratory Care Practice Act.

This bill would authorize the committee to approve programs that are recognized by the Joint Review Committee for Respiratory Therapy Education and are approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

The bill would also require a school to give the director of a respiratory care program adequate release time to perform his or her administrative duties.

Existing law authorizes a student enrolled in a respiratory therapy training program in a health facility to render respiratory care services under the supervision of a certified practitioner for a limited period of time.

This bill would delete that provision

Existing law specifies the grounds for disciplinary action against a respiratory care practitioner by the Respiratory Care Examining Committee.

This bill would add to those grounds, until January 1, 1989, unprofessional conduct, which is defined as the repeated act of administering inappropriate or unsafe respiratory care procedures, protocols, therapeutic regimens, or diagnostic testing or monitoring techniques. The bill would also make a violation of this provision a misdemeanor punishable, as specified.

Existing law does not authorize the Respiratory Care Examining Committee to order a certified respiratory care practitioner to undergo further requirements when the

person is guilty of misconduct.

This bill would authorize the committee, until January 1, 1989, to require a practitioner to undergo a competency examination when there is reasonable cause, as specified, to believe that the person is unable or unwilling to practice respiratory care with reasonable skill and patient safety. Failure to obey the order would constitute grounds for disciplinary action and failure to pass the examination would result in suspension or revocation of the person's certificate at the discretion of the committee.

Existing law prohibits any person from representing himself or herself as a respiratory care practitioner without a certificate issued pursuant to the Respiratory Care Practice Act.

This bill would also state that it is unlawful for any person to employ an uncertified person as a respiratory care practitioner.

Existing law provides that the certificate of a respiratory care practitioner expires on the birthday of the licensee every other year.

This bill would provide for the renewal of an expired certificate within 3 years upon the payment of specified fees.

This bill would impose a state-mandated local program by adding new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1348 (AB 2226) Condit Employees' health plans: employee organizations.

Existing law, under the Public Employees' Medical and Hospital Care Act, provides that an employee, who is presently a member of a basic health benefit plan or major medical plan, does not lose his or her membership because of termination of membership in an employee organization.

This bill would provide, instead, that an employee who is a member of a board-approved health benefit plan in existence on January 1, 1985, sponsored by an employee organization which is an exclusive representative, and who terminates his or her membership in the employee organization shall become ineligible for membership in the plan because of his or her termination of membership in the employee organization; however, the employee would continue the enrollment in the employee organization health benefit plan until the time that the employee is properly notified by the employee organization of the loss of eligibility. Upon notification of the loss of eligibility, the employee within 60 days could change his or her enrollment to another approved health benefit plan for which he or she is eligible.

Ch. 1349 (AB 2391) Filante. Elderly persons.

Under existing law, there are various programs established for the purpose of preventing the institutionalization of frail elderly persons and functionally impaired adults. These include the In-Home Supportive Services program, pursuant to which the state pays providers for certain supportive services to aged, blind, or disabled persons in their own homes, and Adult Day Health Care whereby the Department of Aging provides a day program in an Adult Day Health Care center for Medi-Cal recipients.

This bill would require the Department of Aging to establish a respite care registry program for frail elderly persons and functionally impaired adults, selecting up to 5 program sites, as specified, to provide services until July 1, 1988.

Existing law requires the Department of Aging to report to the Legislature on March 1, 1986, and each March 1 thereafter on the implementation of certain provisions relating to institutionalization prevention services for frail elderly and functionally impaired adults, also referred to as linkages programs.

This bill would require the Department of Aging to include in its March 1, 1988, report an evaluation of the respite care registry program.

This bill would incorporate additional changes in Section 9390.1 of the Welfare and Institutions Code, proposed by AB 2684, to be operative only if AB 2684 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is

chaptered last.

This bill would also appropriate \$50,000 for the purposes of the bill, as specified.

Ch. 1350 (AB 2969) Peace. Weapons: stun guns.

(1) Existing law provides, with certain exceptions, that any person who brings or possesses within any courtroom or building designated as a courthouse or court building certain dangerous weapons, is guilty of a public offense punishable by imprisonment in the county jail for not more than one year, or in the state prison.

This bill would include tear gas weapons, as defined, tasers, and stun guns, as defined, among the dangerous weapons prohibited by the above provision, thereby imposing a state-mandated local program by expanding the scope of an existing crime

(2) Existing law prohibits the possession of specified weapons including stun guns on the grounds of, or within, a public school providing instruction in kindergarten or any of grades 1 through 12 and permits the seizure of those weapons by certificated or classified school employees. Existing law also permits certificated or classified employees of these public schools to bring or possess a stun gun upon the grounds of, or within, that public school for self-defense purposes.

This bill would include tasers among the weapons prohibited on school grounds.

This bill would also repeal the provision authorizing these school employees to bring or possess a stun gun in these public schools for self-defense purposes and would thereby impose a state-mandated local program by expanding the scope of the offense of unlawful possession of dangerous weapons

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1351 (AB 3580) Duffy. Health facilities.

Existing law establishes the Health Care Advisory Committee to assist, advise, and make recommendations to the Director of Health Services concerning health facilities and prescribes the membership and terms of the committee. The committee meets on the call of the director.

This bill would revise the membership of the committee as specified. The bill would require the committee to meet on the call of the director but no fewer than one time a year

Existing law requires every licensed long-term health care facility to establish and maintain a patient-oriented council

This bill would, instead, require specified health facilities and skilled nursing facilities to establish and maintain resident councils. To the extent that this would create a new duty on facilities operated by local agencies it would impose a state-mandated local program.

Existing law permits duly authorized officers, employees, or agents of the State Department of Health Services to enter and inspect long-term health care facilities to enforce provisions of law regulating these facilities.

This bill would prescribe conditions on those inspections relating to the treatment of the patients. The bill would also provide that a duly authorized officer, employee, or agent of the state department shall not limit the scope of practice of registered nurses, nor prohibit the performing of functions by registered nurses, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

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Ch 1352 (SB 630) Dills. Department of Public Safety study.

Under existing law, state agencies have authority to provide emergency services, criminal justice planning, criminal justice assistance to local government, and the protection of state offices and employees

This bill would establish an advisory committee, composed of 7 members, appointed as specified, to examine the feasibility of establishing a Department of Public Safety, which would be vested with the authority referred to above currently held by various state agencies.

The bill would require the Youth and Adult Correctional Agency to provide the advisory committee with the necessary staff support and technical assistance for completion of the study.

The bill would require the committee to report its findings to the Legislature not later than June 30, 1987

The bill would specify that its provisions would remain in effect only until July 1, 1987, and as of that date would be repealed.

Ch. 1353 (SB 1055) Lockyer Contractors' bonds.

Existing law provides that any judgment or admitted claim against a contractor's or qualifying individual's bond required by the Contractors' State License Law shall constitute grounds for disciplinary action against the licensee.

This bill would provide that a good faith payment from such a bond would also constitute grounds for disciplinary action against the licensee, except in those cases where the licensee has, in writing, timely instructed the surety not to make payment from the bond on his or her account, upon the specific grounds that (1) the claim is opposed by the licensee, and (2) the licensee has, in writing, previously directed to the surety a specific and reasonable basis for his or her opposition to payment

The bill would also provide that its provisions shall become operative on July 1, 1987.

Ch 1354 (SB 1546) Beverly. Alcoholic beverages

Existing law makes it unlawful for any person other than a licensee of the Department of Alcoholic Beverage Control to sell, manufacture, or import alcoholic beverages in this state.

This bill would provide that no license or permit shall be required for the serving of alcoholic beverages in a limousine by any person operating a limousine service regulated by the Public Utilities Commission; provided there is no extra charge or fee for the alcoholic beverages. The bill would make a statement of legislative intent.

Ch. 1355 (SB 1956) Maddy Public agencies

(1) Under existing law, 2 or more local public entities may enter a joint powers agreement to provide insurance

This bill would permit specified nonprofit corporations to participate in an insurance pool involving 2 or more hospital districts

(2) Under existing law, "public agency" is defined for purposes of indicating those entities which may enter a joint powers agreement as including this state and an adjoining state and various political subdivisions of this state and adjoining states.

This bill would change "adjoining state" to "another state" for purposes of the above provision, thus authorizing public agencies of this state to enter into joint powers agreements with another state, rather than only an adjoining state.

(3) Under existing law, local hospital districts are granted various powers including the power to do any and all things which an individual might do which are necessary for, and to the advantage of, a hospital or nurse's training school, and to do any and all other acts and things necessary to carry out the provisions relating to local hospital districts.

This bill would specifically grant local hospital districts the power to contract for bond insurance, letters of credit, remarketing services, and other forms of credit and liquidity support for its bonds, notes and other indebtedness, to enter into prescribed agreements and ancillary contracts in connection therewith, and to issue negotiable promissory notes.

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(4) Existing law authorizes a local hospital district to incur indebtedness in an amount not to exceed 75% of all estimated income and revenue for the current fiscal year.

This bill would increase that percentage to 85% and would require that the indebtedness be repaid within the same fiscal year.

(5) Existing law authorizes a local hospital district by a $\frac{2}{3}$ vote of the district board, to issue bonds of not more than a maximum of 50% of the average of the district's gross revenues for the preceding 3 years, pursuant to the Revenue Bond Law of 1941, for the acquisition, construction, improvement, or financing of an enterprise.

This bill would additionally authorize a local hospital district to so issue these bonds for the refinancing of an enterprise or the refunding of any bonds, notes, loans, or other indebtedness of the district.

(6) Existing law prescribes requirements for the resolution authorizing the issuance of bonds pursuant to the Revenue Bond Law of 1941 by a local hospital district and for publication of the resolution and of the ordinance adopted by the board of directors of the district approving a formal agreement for the sale of revenue bonds.

This bill would delete the requirement that the interest on the bonds be payable annually or semiannually and would require that the resolution include the frequency of interest payments and would revise the publication requirements.

Ch. 1356 (SB 2130) Seymour. Public schools: use of videotape technology.

Existing law makes no provision for a study concerning the use of videotape technology in public school instruction at the elementary and secondary levels.

This bill would reappropriate \$275,000 from a specified appropriation to the State Department of Education in the Budget Act of 1986, to the Superintendent of Public Instruction without regard to fiscal year to fund a pilot project in participating school districts for the videotaping of teacher instruction for use by the teacher in classroom instruction, and for the implementation and evaluation of this project by grant or contract with a qualified public or private nonprofit entity, as specified. A resulting videotape would be available for use only by the participating teacher or teachers, except pursuant to their written consent. This bill would specify that videotaped instruction is to enhance and not replace the instruction provided by the classroom teacher.

This bill would also direct the Superintendent of Public Instruction to allocate moneys from funds made available for the purposes of this bill, to participating school districts to acquire necessary equipment, to pay for charges imposed by providers of instructional materials, and to compensate teachers for their participation in the pilot project. This bill would further authorize the superintendent to allocate up to \$25,000 for administrative costs incurred in this regard.

Ch 1357 (SB 2224) Garamendi. Delta levees and banks: state highways.

Under existing law, the Department of Water Resources and the Reclamation Board are vested with specified powers and duties relating to flood control.

This bill would authorize the department and the board to conduct a study to determine the potential need for state financial assistance to reclamation districts and levee districts within the Sacramento-San Joaquin Delta for maintenance of levees and banks that directly protect state highways. The bill would prescribe elements of the study, would require the study to review related matters, would require that a report together with recommendations be submitted to the Legislature not later than June 30, 1987, and would appropriate \$50,000 to carry out the study.

Ch. 1358 (SB 2357) McCorquodale. Foreign trade: Director of Food and Agriculture.

Under existing federal law, any interested person may file a petition with the United States Trade Representative requesting that the President of the United States take action under the Trade Act of 1974 (19 U.S.C. Sec. 2101 et seq.) to attempt to remedy violations of United States trade agreements or other specified actions detrimental to United States trade interests. Existing law does not specifically authorize the Department of Food and Agriculture to become involved in the petition process.

This bill would authorize the department, upon the request of a California agricultural

interest which is pursuing a case under the Trade Act of 1974, to gather and provide analytical assistance, confirmation, and data in support of the case. The Director of Food and Agriculture would be required to establish a schedule of fees to cover the cost of this assistance. All state agencies would be required to cooperate with the director at his or her request.

Ch. 1359 (AB 2051) Davis. Housing for senior citizens.

(1) Existing law authorizes the California Housing Agency to issue revenue bonds to finance housing developments.

This bill would authorize the agency to issue revenue bonds in the amount of \$200,000,000 to finance the construction of rental housing developments.

The bill would create the Senior Citizens Housing Assistance Fund in the State Treasury. The bill would require the proceeds from the issuance and sale of the revenue bonds to be deposited in the fund. The bill would authorize the agency to utilize the moneys in the fund for the purpose of financing the construction of rental housing developments. The bill would require not less than 20% of the units in the rental housing development to be available to, or occupied by, senior citizens from lower income households or very low income households and would require an additional 20% of the units to be available to senior citizens who meet the income criteria for persons and families of low or moderate income.

The bill would establish a Senior Citizens Housing Annuity Account in the State Treasury, would permit moneys in that account to be utilized to reduce rent levels in assisted units, and would continuously appropriate funds in the account to the agency. However, the bill would expressly prohibit the transfer of any proceeds from the issuance and sale of the revenue bonds to the account.

(2) Existing law requires the California Housing Finance Agency, within 90 days following the close of each fiscal year, to submit an annual report of its activities under the Zenovich-Moscone-Chacon Housing and Home Finance Act for the preceding year to the Governor, the Secretary of the Business, Transportation and Housing Agency, the Director of Housing and Community Development, the Treasurer, the Joint Legislative Budget Committee, and the Legislature.

This bill would require that the report include additional information on the implementation and administration of the housing program described in paragraph (1).

(3) The bill would take effect immediately as an urgency statute.

Ch. 1360 (AB 2980) Bradley Real property sales: balloon payments.

(1) Existing law with certain exceptions, contains prescribed notice and disclosure requirements respecting defined "balloon payment loans" and "balloon payment notes" secured by real property.

This bill would revise and conform the statutory definitions of these terms. The bill would include loans with defined "call provisions" within the definitions if the call provision is exercised. The bill would clarify application of the notice requirement where the due date is extended.

(2) Under existing law, where the vendor extends credit to the purchaser of a dwelling for not more than 4 families in a transaction involving a defined arranger of credit, there are special notice requirements pertaining to the due date of any balloon payment required by a promissory note given by the purchaser to the vendor. Existing law requires the holder of such a note to give 60 to 150 days notice to the purchaser of the due date of the balloon payment by first-class mail.

This bill would instead require 90 to 150 days notice to be given by first-class mail with a certificate of mailing obtained from the postal service when the balloon payment loan is for a term in excess of one year. The bill would also require such a certificate of mailing with respect to prescribed notice of the final payment on a balloon payment loan. The bill would clarify the application of this notice requirement where the due date of the balloon payment is extended.

Ch. 1361 (AB 3060) Hannigan. Taxes.

(1) Existing law specifies the qualifications for licensing of various businesses and

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professions under the Business and Professions Code and for licensing by the Insurance Commissioner to engage in the insurance business. The law does not require any existing licensee to provide the licensing board or Insurance Commissioner a social security number or any other information for purposes relating to taxes.

This bill would require every board, as defined under the Business and Professions Code, including the State Bar and the Department of Real Estate, and the Insurance Commissioner to require that any licensee, other than a corporation, at the time of issuance or renewal of the license to provide its federal employer identification number (if the licensee is a partnership) or his or her social security number (for all others).

It would require every board and the Insurance Commissioner to report the failure to comply with the law to the Franchise Tax Board, as specified

It would require every board and the Insurance Commissioner, upon request of the Franchise Tax Board, to furnish to the Franchise Tax Board certain information with respect to every licensee.

(2) Under existing law, the State Board of Equalization is authorized under specified conditions to seize and sell the license of any off-sale or on-sale general alcoholic beverage licensee who, upon termination of business, is delinquent in the payment of any taxes due under the Sales and Use Tax Law.

This bill would grant that authority to the Franchise Tax Board for delinquencies in the payment of any taxes due under the Personal Income Tax Law or Bank and Corporation Tax Law

(3) Under existing law, the mortgagee, trustee, or other person authorized to record the notice of default is required to mail the notice to specified persons, including the Controller, where, as of the recording date of the notice of default, a "Notice of Lien for Postponed Property Taxes" has been recorded against the applicable real property

This bill would additionally require notice to be mailed to the office of any state taxing agency, as specified, where, as of the recording date of the notice of default, a "Notice of Tax Lien" has been recorded against the real property to which the notice of default applies

(4) Existing laws contain numerous provisions governing the powers of state agencies to enter into, renew, or extend contracts with private contractors.

This bill would require the Franchise Tax Board to implement a pilot project which may require the Controller or any officer or department of the state or any agency of the state to withhold and transmit to the Franchise Tax Board a specified amount on all payments made pursuant to a contract between the state and any person, other than a corporation, for which the primary purpose is the providing of services to the state and for which the total price exceeds \$600. The purpose of the project would be to withhold income taxes on payments to independent contractors in a manner similar to existing withholding on wages.

(5) Under existing law, various state agencies are responsible for the administration and enforcement of specific state taxes. Pursuant to executive order, a multiagency task force has been created, composed of representatives of the Department of Industrial Relations, the Employment Development Department, and the Contractors State License Board, and with the Franchise Tax Board and State Board of Equalization encouraged to participate. The task force is charged with various nonexclusive responsibilities involving tax enforcement activities, particularly in connection with the underground economy. It is required to annually submit a report to the Governor on its work and accomplishments.

This bill would require the task force to include specified matters among its goals and objectives; would empower the task force to carry out additional enumerated responsibilities; and would require the task force to report to the Governor, the Senate and Assembly Revenue and Taxation Committees, and the Commission on California State Government Organization and Economy every 6 months, regarding the activities of the task force.

(6) Under the existing Sales and Use Tax Law, the sale of and the storage, use, or other consumption of certain aircraft and watercraft to be used as common carriers of persons or property or used in interstate or foreign commerce involving the transportation for

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hire of property or persons is exempted from those taxes.

This bill would establish a rebuttable presumption that certain aircraft or watercraft do not meet the required conditions for eligibility for the exemption, which is based on the person's use in the exempt activity not exceeding a specified amount of yearly gross receipts.

(7) Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, deductions for remuneration of personal services is disallowed for failure to report the payments in required statements to employees or in required information returns, unless it is shown that the failure is due to reasonable cause.

This bill would change the above provision by granting the Franchise Tax Board the authority to disallow the deduction, instead of making the disallowance mandatory, unless it is shown that the failure is due to reasonable cause.

(8) Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, the Franchise Tax Board, for the purposes of administering its duties, has the power to examine any books, papers, records, or other data, which may be relevant.

This bill would instead provide the Franchise Tax Board with the power to require by demand, that an entity of any kind including, but not limited to, employers, persons, or financial institutions provide information, as specified, or make available for examination or copying at a specified time and place, or both, any book, papers, or other data which may be relevant to that purpose.

(9) Under the existing Personal Income Tax Law, the Franchise Tax Board is responsible for administration, collection, and enforcement.

This bill would authorize the Franchise Tax Board to allow, in cases of financial hardship, a taxpayer to enter into installment payment agreements with the Franchise Tax Board to pay taxes due, plus applicable interest and penalties over the life of the installment period.

(10) The existing laws governing the collection of the various state taxes and the enforcement of those taxes provide specified penalties and criminal sanctions for a variety of enumerated violations.

This bill would increase or change various existing penalties and criminal sanctions governing state taxes

This bill would provide state taxing agencies with various additional powers and duties relating to the collection of state taxes and the enforcement of those taxes, including, among other things, (1) provisions for successor withholding and liability under the Use Fuel Tax Law; and (2) creating a state-mandated local program by the imposition of new fines and criminal sanctions for violations under the Emergency Telephone Users Surcharge Act and the Moore Universal Telephone Service Act.

(11) This bill would require the State Board of Equalization and the Franchise Tax Board to submit an annual report from 1988 through 1992 to the Legislature on the implementation of this bill.

(12) This bill would incorporate the amendments to Section 2924b of the Civil Code which are proposed by AB 2556 if both bills are chaptered and this bill is chaptered last.

This bill would incorporate the amendments to Sections 6368 and 6368.1 of the Revenue and Taxation Code which are proposed by AB 3868 if both bills are chaptered and this bill is chaptered last.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1362 (AB 3145) Vasconcellos. Youth Authority.

(1) Existing law requires the Controller to make quarterly distributions of funds from the California State Lottery Education Fund to public school districts, county superintendents of schools, community college districts, the Board of Trustees of the California State University, the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the California Maritime Academy Board of Governors.

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This bill, in addition, would require the Controller to make quarterly distributions to the Youth Authority for educational programs serving grades kindergarten through 12, or any part thereof. The bill would constitute an appropriation since it would establish a new purpose for a continuously appropriated fund.

(2) Existing law establishes and delineates the functions of the Youth Authority.

This bill would require the Department of the Youth Authority to implement a model system of employment preparation and placement services for youthful offenders, as specified. It would require the Youth Authority to submit an interim report to the Legislature evaluating the system, as specified, by July 1, 1988, and a final report by July 1, 1989. These provisions of the bill would be repealed on January 1, 1990, unless extended by later legislation.

Ch 1363 (AB 3286) Hauser Waste water construction loan: Humboldt Bay.

Under existing law, the State Water Resources Control Board is authorized to make construction loans from the State Water Quality Control Fund to local agencies for waste water treatment facilities.

This bill would forgive any obligation of the Humboldt Bay Wastewater Authority for payment of interest on a construction loan made by the board to the authority and would not require the principal payment on the unamortized portion of the loan to commence until January 1, 1989.

The bill would make legislative findings and declarations in this connection.

Ch. 1364 (AB 3650) Margolin. Food adulteration.

Existing law makes it a misdemeanor, for anyone during the course of business, to knowingly add any of various sulfite compounds to certain seafood or to any fruit or vegetable sold to be consumed in its raw or natural state.

This bill would provide that the offense includes the adding of sulfites to those fruits and vegetables whether added to the food on the premises of any food facility or added to the food sold to any food facility. This bill would create a state-mandated local program by changing the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1365 (AB 3657) Vasconcellos. Marriage, family, and child counselors.

(1) Existing law provides for the licensing and regulation of marriage, family, and child counselors by the Board of Behavioral Science Examiners.

This bill would revise and recast those provisions.

(2) This bill would make statements of legislative findings and a declaration relating to marriage, family, and child counselors.

(3) The bill would recognize that an effort should be made to assure that those who complete their educational and experience requirements are able to discern the requirements for licensing and to take the examination. It would also require the board, in developing greater cooperation with educational institutions and supervisors of applicants, to undertake certain measures.

(4) This bill would require applicants applying for licensure on or after January 1, 1988, to, among other things, possess a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, or counseling as specified. The bill would require courses of studies leading to both named and equivalent degrees to include specified essential components. The bill would specify additional requirements for applicants applying for licensure on or before December 31, 1987, and for persons who commence graduate study on or before December 31, 1987.

The bill would make a corresponding change in the definition of a marriage, family, and child counselor intern, would require all interns to register with the board as a condition for obtaining credit for experience, would revise methods in which experience

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may be gained by interns and trainees, would prohibit trainees and interns from being compensated by any person other than their employer, would require trainees and interns to perform services only at their employers' place of business, and would prohibit a trainee or intern from having any proprietary interest in that business.

(5) The bill would extend the time that an intern may be employed from 5 years to 6 years.

(6) The bill would specify the qualifications of a person who is supervising an intern or trainee gaining experience.

(7) The bill would encourage each counselor to provide each client a statement of the therapist's experience, education, specialties, professional orientation and any other information deemed appropriate by the licensee

(8) The bill would revise the requirements for the issuance of a license based on reciprocity.

(9) The bill would encourage licensees to complete specified continuing education requirements.

(10) Existing law authorizes the board to refuse to issue a license, or to suspend or revoke the license of any licensee if he or she has been guilty of unprofessional conduct, as defined.

This bill would recast the provisions of existing law to authorize the board to refuse to issue an intern registration or to revoke the intern registration of any registrant who is guilty of unprofessional conduct, as defined. The bill would also expand the scope of activities constituting unprofessional conduct applicable to licensees and registrants.

This bill would authorize the board, under specified conditions, to place a license or registration on probation, and would authorize the board to adopt regulations establishing a monitoring program to ensure compliance with any terms or conditions of probation imposed by the board. This bill would also authorize the board to require any licensee or registrant placed on probation, or whose license or registration has been suspended, to obtain additional professional training, or to pass an examination and pay any necessary examination fee upon completion of that training. This bill would authorize a licensee or registrant to submit an application to the board for reinstatement one year after the revocation of a license or registration, and would authorize the board to accept or reject the application, or to require an examination as a condition for reinstatement. This bill would prohibit the board from considering an application for reinstatement if the applicant is under criminal probation or parole.

This bill would authorize the board to deny, suspend, or revoke an application for any license or registration for the revocation, suspension, or other disciplinary action taken by certain examining committees in this state or another state on a license, certificate, or registration issued in that state to practice marriage counseling or marriage, family, and child counseling, psychology, clinical social work, or educational psychology.

(11) The bill would increase the fee for original licensure, renewal, and registration for marriage, family, and child counselors and would also increase the fees for educational psychologists, which fees are deposited in the Behavioral Science Examiners Fund. Because the bill would authorize an increase in the moneys in the Behavioral Science Examiners Fund, which is continuously appropriated, the bill would make an appropriation.

(12) The bill would make other technical and conforming changes.

(13) A violation of the provisions of law regulating marriage, family, and child counselors, is a misdemeanor. This bill would impose a state-mandated local program by adding new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1366 (AB 3921) Baker. State internal service funds. refund.

This bill would appropriate \$14,858,000 from the General Fund to the Controller to pay the United States Treasury for a claim for reimbursement of accumulated surpluses

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in specified state internal service funds

The bill would require the Controller to arrange to collect from these internal service funds the amount appropriated from the General Fund by the bill in order to reimburse that fund. It would authorize the Department of Finance to make loans from the General Fund to these internal service funds for cash-flow purposes.

The bill would require the Department of Finance to establish a task force to review the accounting procedures used by the various internal service funds, to recommend changes, and to work with federal officials.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1367 (AB 3933) N Waters Health services.

Existing law authorizes the State Department of Health Services to make limited allocations of unexpended funds in the County Health Services Fund to, among other things, distressed county hospitals in certain circumstances.

The Legislature is also authorized by the State Constitution to make additional appropriations of other state funds for public purposes.

This bill would appropriate the sum of \$318,000 to the State Department of Health Services, and authorizes the department to allocate, for specified fiscal years, the funds to the County of Mono, as a subvention for the support of its county hospital, with specified conditions which must be met.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1368 (AB 3888) Kelley Fish and game. revenues and funding.

Existing law establishes the fees for various hunting and sportfishing and sport ocean fishing licenses, stamps, permits, and tags and for licenses and permits for taking or possession of certain wildlife and other activities relating to fish and game. Existing law also provides for the increase of some of those fees based upon a specified inflationary factor. The fees are deposited in the Fish and Game Preservation Fund, which is continuously appropriated.

This bill would make various changes enacted in 1985 to be operative until July 1, 1987, permanent, make other changes, and make the fees subject to the inflationary factor, as specified. By increasing the moneys deposited in the fund, the bill would make an appropriation.

Ch. 1369 (SB 883) Presley. Juveniles

Existing law provides that a minor taken into custody on the grounds that he or she may be adjudged a ward of the court on the basis of noncriminal conduct (so-called "status offenders") may be held in a secure facility for periods of 12 to 72 hours for various purposes, such as determining whether there are outstanding wants, warrants, or holds against the minor and locating the minor's parent or guardian to arrange for the return of the minor.

This bill would require the Department of the Youth Authority to designate one of 3 specified counties, upon request of its board of supervisors, for the conduct of a pilot program to study the effectiveness of utilizing temporary secure detention for specified minors who are adjudged wards of the juvenile court on the basis of noncriminal conduct (so-called "status offenders"). Under the pilot program, such a minor could be held in a secure facility for up to 72 hours subsequent to a probable cause hearing, pending a hearing on the merits that would be required and where it is alleged that the minor violated dispositional orders of the juvenile court subsequent to that declaration of wardship, as specified. The bill also would authorize continued secure detention, under the pilot program, of such a ward for a maximum period of 5 days if the supplemental petition is sustained, as specified.

Ch. 1370 (SB 903) Presley Parent and child

Existing law, the Uniform Parentage Act, specifies a procedure for the establishment of the parent and child relationship. No adoption may be completed until a petition is granted terminating the natural father's rights, as specified. If the natural father or a man representing himself to be the natural father, claims custodial rights, the court is

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required to determine parentage and custodial rights in whatever order the court deems proper, as specified. If the court finds that the man is a presumed father (generally speaking, a presumed father is a man who has or who has sought to establish a marital relationship with the mother of the child or who has received the child into his home and held out the child as his own), the father's consent is required for an adoption of the child. In all other cases, (where the man is a so-called "alleged" father) only the mother's consent is required to the adoption.

This bill would make the following changes in the Uniform Parentage Act:

(a) Revise the procedures of the act to require that, rather than suspending an adoption proceeding, an action to determine the existence of a father and child relationship with regard to a child having no presumed father or whose presumed father is deceased shall be consolidated with a proceeding for the termination of the parental rights of the father. It would provide that if a natural father or a man so representing himself claims parental rights, the court would be required to (i) determine if he is the father, and (ii) if so, determine if it is in the child's best interest that the father retain his parental rights or that the adoption be allowed to proceed. In making the determination specified in (ii), the court would be authorized to consider all relevant evidence, including certain specified factors. If the court finds that it is in the child's best interest that the father should be allowed to retain his parental rights, it would be required to order that his consent is required for the adoption. The bill would specify that a provision of the Family Law Act specifying an order of preference in the award of the custody of children is not applicable to this proceeding.

(b) Provide that a man otherwise presumed to be the father of a child shall not be a presumed father for the purposes of entitlement to notice of the adoption proceeding and other rights provided to presumed fathers under the laws relating to adoption if he executes a declaration that he is not the child's father or if the presumption arises under certain provisions of law and certain other circumstances also exist.

(c) This bill also would incorporate additional amendments to Sec. 7006, Civ. C., as proposed by SB 1751, contingent upon the prior enactment of SB 1751.

Ch. 1371 (SB 1566) Deddeh. Nursing home administrators.

Existing law specifies the maximum amount for various fees which may be fixed by the State Board of Examiners of Nursing Home Administrators pursuant to the Nursing Home Administrator's Licensing Act.

This bill would increase the maximum for several of those fees and would add a fee for the approval of continuing education providers and courses and for preceptor training and certification.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Nursing Home Administrator's State License Examining Board Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 1372 (SB 1782) Foran. Eminent domain and inverse condemnation.

Under existing law, eminent domain awards include specified interest at the legal rate.

This bill would instead utilize the rate earned by the Surplus Money Investment Fund, as specified. The bill would also make this rate applicable to inverse condemnation proceedings. For purposes of eminent domain awards, interest would be computed as specified by the bill.

Ch. 1373 (SB 1817) Morgan. Water well standards.

(1) Under existing law, every person who digs, bores, or drills a water well or cathodic protection well, or abandons, destroys, or deepens any well, is required to file with the Department of Water Resources a specified notice of intent to engage in that activity and to file a specified report of completion of the well within 30 days after its construction or alteration has been completed. Existing law also prescribes procedures pursuant to which counties and cities may be required to adopt ordinances establishing standards of water well and cathodic protection well construction, maintenance, abandonment, and destruction for areas designated by a regional water quality control board.

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This bill would include monitoring wells, as defined, within the foregoing provisions and would require the person responsible for the construction, alteration, destruction, or abandonment to possess a C-57 Water Well Contractor's License. The bill would require additional specified information on the report of completion.

The bill would impose a state-mandated local program since violation of the foregoing requirements would be a misdemeanor.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1374 (SB 1819) McCorquodale. Elder abuse reporting.

Existing law requires an adult protective services agency to report by telephone, to the appropriate law enforcement agency, and the appropriate public agency, known or suspected instances of dependent adult abuse.

This bill would impose a state-mandated local program by requiring a local law enforcement agency, as well as an adult protective services agency, if it determines pursuant to its investigation that elder or dependent adult abuse is being committed by a licensed health care practitioner, to report this information to the appropriate licensing agency. It would provide that the reported information shall remain confidential and shall not be disclosed.

This bill would also require the State Department of Social Services to develop a statewide report form for the transmittal of this information from local welfare departments to the appropriate licensing agency.

This bill would incorporate additional changes in Section 15630 of the Welfare and Institutions Code, proposed by AB 3988, to be operative only if AB 3988 and this bill are both chaptered and become effective on or before January 1, 1987, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1375 (SB 1889) Hart. Pesticide residues.

Existing law authorizes the Director of Food and Agriculture to establish permissible tolerances for any pesticide chemical in or on raw agricultural produce and to seize and hold produce which carries excess pesticide residue.

This bill would require the director to interpret the results of residue monitoring, to release annual reports to the public on the monitoring which are required to include specified information regarding the commodities discovered and the pesticide identified, and to file the data with the county agricultural commissioner where the produce was grown.

Ch. 1376 (SB 2123) Carpenter. Child day care facilities

Under the California Child Care Facilities Act, the State Department of Social Services in its regulations require a teacher, prior to employment in a day care center facility, to have completed at least 6 semester units or equivalent quarter units of a specified education requirement. The department regulations also provide that a teacher hired pursuant to this education requirement shall, after employment, complete with passing grades at least 2 units each semester or quarter until the education requirement of a fully qualified teacher is satisfied. A fully qualified teacher is required by department regulations to satisfy either a specified 12 semester unit or equivalent quarter unit education requirement and a 6-month work experience requirement or to have a children's center

permit.

This bill would state legislative findings and declarations concerning child care and stating that the act shall be a 3-year pilot project. The bill would require regional occupational programs participating in the pilot project to submit specified information to the State Department of Education and would require the department to submit evaluation reports to the Legislature, as specified.

This bill would require the State Department of Education to collect specified information to the extent it is available, relating to the participants of the pilot program.

This bill would, until January 1, 1990, provide an alternative set of education requirements which a person hired as a child care center teacher may satisfy. These requirements would include being a minimum age, possessing a regional occupation program certificate of training in child care occupations, completing a minimum number of hours of classroom instruction in specified areas, and completing a minimum number of hours in supervised field experience, as specified. Prior to that date and subsequent to employment in a day care center facility, this bill would require a teacher hired with this education to make satisfactory progress, as defined, towards meeting the educational requirement of a fully qualified teacher. This bill would also provide that these teachers are not exempt from satisfying the noneducation requirements imposed by law on teachers in day care centers and shall have on-site supervision by a fully qualified teacher, as specified.

Ch 1377 (SB 2162) Mello. Medical services: emergency, urgent, prompt, and immediate.

(1) Under existing law, health facilities, as defined, are licensed and regulated by the State Department of Health Services. Violation of these provisions under existing law is a misdemeanor. Existing law does not prohibit a person, as defined, or public agency from advertising or holding itself out as providing emergency medical services, by using in its name or advertising the word "emergency," or a derivation thereof, or any words which suggest that it is staffed and equipped to provide emergency medical services, unless it is a general acute care hospital, as defined, approved to provide emergency medical services as authorized and regulated pursuant to specified provisions of law or meets certain minimum standards.

This bill would make this prohibition. It would delineate certain minimum standards for its purposes. A violation would be a misdemeanor. The creation of a new crime would impose a state-mandated local program. It would permit persons or public agencies using the prohibited terms on January 1, 1987, to comply with its provisions by January 1, 1988.

The bill would further provide that its provisions not be construed to require the licensing or certification of any person or public agency meeting certain minimum standards, as specified, nor to exempt from licensure certain general acute care hospitals.

It would also provide that its provisions not be construed to prohibit certain persons and entities, authorized to offer medical services, from advertising, or otherwise holding themselves out as providing urgent, immediate, or prompt medical services, as specified or to prohibit certain personnel, agencies, or vehicles operating within the emergency medical services system from using the word "emergency" in a title, classification, or designation.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1378 (SB 2232) McCorquodale. Vehicles: semitrailer length.

(1) Under existing law, a semitrailer towed by a motor truck or truck tractor may not exceed 38 feet from the kingpin to the rearmost axle.

This bill would revise this limitation to allow these combinations of vehicles to measure 38 feet for a semitrailer having one axle and 40 feet for a semitrailer having 2 or more axles.

(2) Under existing law, a city or county may, by ordinance, prohibit a combination of vehicles of a total length in excess of 60 feet from operating upon highways under its respective jurisdiction, effective upon the erection of appropriate signs.

This bill would, only upon the adoption of an enabling ordinance, authorize counties and cities, upon a determination that highways under their jurisdiction cannot, in consideration of public safety, sustain vehicles of those maximum lengths established by the Vehicle Code, to establish, by ordinance, lesser lengths consistent with what those highways can sustain, but not less than 38 feet, effective upon the erection of signs indicating the standard. The bill would require the city or county to consider specified factors in making its determination.

The bill would also authorize the Department of Transportation, in consultation with the Department of the California Highway Patrol, to compile specified data to assess whether, due to a threat to public safety, vehicles of a maximum kingpin to rear axle lengths authorized under the Vehicle Code should be excluded from highway or highway segments under its jurisdiction. The bill would require the study containing the conclusions and recommendations to be submitted to the Secretary of the Business, Transportation and Housing Agency. The Director of Transportation would be required to hold public hearings, as specified, unless otherwise notified by the secretary. The bill would authorize the director to determine the maximum vehicle or vehicle combination lengths which may not be less than 38 feet, which can be maintained with safety upon state highways and to erect suitable signs on or before January 1, 1988. The department, in consultation with the Department of the California Highway Patrol, would be required to compile specified data to assess the appropriate maximum lengths and to report its findings to the Legislature on or before January 1, 1988.

The bill would authorize a combination of vehicles of 38 to 40 feet in length operated in local jurisdictions, to operate there only if the vehicle owner or operator deems it safe and if its operation is not specifically prohibited by local regulation.

(3) Under existing law, a combination of vehicles as specified is not subject to Vehicle Code restrictions when operated on specified highways under federal jurisdiction, or qualified by the United States Secretary of Transportation, or highways which provide reasonable access to facilities for food, fuel, lodging, and repair purposes. However, access to a terminal, as defined, is permitted only upon agreement of the Department of Transportation and the affected local authority, identified and signed as being connections between terminals and those unrestricted highways, as specified.

This bill would, instead, authorize the Department of Transportation and local authorities to, independently, in consideration of public safety and highway preservation, issue permits for terminal access by a combination of vehicles, or in lieu of issuing permits, to provide signing to indicate terminal access routes. This authority would not provide for the issuance of permits to operate combinations of vehicles on highways subject to kingpin to rearmost axle limitations as set by a city or county. The bill would define "terminal" for those purposes.

(4) Under existing law, any city is authorized by ordinance to prohibit the use of a street by any commercial vehicle, or any vehicle exceeding maximum gross weight limits, with an exception.

This bill would extend that authority to a county for its residence districts.

Ch 1379 (SB 2335) Montoya Consumer affairs.

Existing law provides for disciplinary action against a person licensed by a board within the Department of Consumer Affairs, if the licensee acts in violation of the applicable licensing act.

This bill, with specified exceptions, would authorize any board, bureau, or commission within the department to establish, by regulation, a system for the issuance to a licensee or unlicensed person of a citation, which may contain an order of abatement or an order to pay an administrative fine, not to exceed \$2,500 for each inspection or investigation made with respect to the violation, assessed by the board, bureau, or commission if the licensee or unlicensed person acts in violation of the applicable licensing act or any regulation adopted pursuant thereto. The bill would make a conforming and clarifying change with respect to when a citation, in general, may be issued.

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Ch. 1380 (SB 2488) Robbins. Vehicles: insurer: towing and storage charges.

Existing law authorizes the towing and storage of abandoned vehicles and of vehicles in certain other circumstances, and provides for a lien to secure payment for towing and caring for the vehicle.

This bill would make an insurer liable for ordinary and reasonable towing and storage charges of a vehicle as a result of an accident or stolen recovery. The bill would specify that the insurer may discharge the obligation by making payment to one of specified persons. The bill would make the insured or claimant liable for the charges if the insured or claimant receives payment from the insurer which includes the towing and storage charges.

Ch. 1381 (SB 2513) Keene. Trespass: attorney fees.

Existing law, with specified exceptions, prohibits the award of attorney's fees as part of a judgment on behalf of a successful plaintiff.

This bill would authorize the recovery of attorney's fees in any action to recover damages to personal or real property resulting from trespass on lands either under cultivation or intended or used for the raising of livestock.

Ch. 1382 (AB 1267) Tucker. Dentistry

Existing law prohibits any dentist from administering or supervising the administration of general anesthesia, as defined, on an outpatient basis for dental patients, unless the dentist has a permit from the Board of Dental Examiners.

This bill would revise the definition of general anesthesia for those purposes and would require the board to require the holder of a permit to complete approved courses as a condition for the renewal of a permit.

The bill would make a statement of Legislative findings and declarations relating to the use of conscious sedation, as defined.

Ch. 1383 (AB 1996) M. Waters. Homeless persons

Existing law requires each city and each county to adopt a general plan which includes, among other elements, a housing element.

Existing law further provides that the housing element shall include a program which sets forth a 5-year schedule of actions which the city or county plans to take to implement this element. The schedule may include plans for adequate sites for emergency housing.

This bill would, instead, require the program to include identification of adequate sites for emergency shelters and transitional housing and would require this to be accomplished by January 1, 1988, or the next periodic review of the housing element, whichever is later, under certain conditions. These requirements would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1384 (AB 2010) Isenberg. Central Valley Project: state ownership or operation.

Under existing law, the federal Central Valley Project is operated by the United States Bureau of Reclamation pursuant to applicable federal law.

This bill would authorize the Director of Water Resources to enter into negotiations with the bureau in order for the state to own or operate part or all of the federal Central Valley Project, and would require the director to report to the Legislature on the status of those negotiations during the department's annual budget hearings from 1987 to 1997, inclusive.

The bill would make legislative findings and declarations.

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Ch. 1385 (AB 2556) McAlister. Real property security: power of sale.

(1) Existing law specifies procedures to be followed in the exercise of a power of sale for default in an obligation secured by a deed of trust or mortgage on real property.

This bill would, for purposes of these provisions, define "mortgage" to include any security device or instrument, including a real property sales contract, containing such a power of sale.

(2) Existing law prescribes a form to be used to request a copy of any notice of default or notice of sale under a deed of trust or mortgage.

This bill would include a specified notice concerning address changes in the form.

(3) Under existing law, the trustee is required to postpone such a sale where required by operation of law or court order. Existing law prohibits conduct of the sale within 7 days of expiration of the court order or postponement arising by operation of law, unless the court order expressly so provided.

This bill would make technical and clarifying changes in these provisions.

(4) Under existing law, bidders at the sale may pay with, among other things, a cashier's check drawn on specified types of financial institutions domiciled in this state, and, if a notice of sale under a deed of trust or mortgage expressly permits designated cash equivalents, bidders may utilize such a cash equivalent for payment and other specified purposes of the sale.

This bill would impose a state-mandated local program by making it a misdemeanor for the last and highest bidder to cancel an instrument submitted as such a cash equivalent. The bill would also authorize withholding of the trustee's deed until funds become available as a matter of right under the successful bidder's cash equivalent.

The bill would also permit payment by any type of check drawn by a state or federal credit union or by a savings and loan association or other specified savings institutions authorized to do business in this state, and would delete the requirement that payment by check or cashier's check be drawn on a financial institution domiciled in this state. The bill would permit a trustee accepting a check drawn on a credit union or savings and loan association to withhold the trustee's deed until funds are available thereunder as a matter of right.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) This bill would incorporate additional changes in Section 2924b of the Civil Code, proposed by AB 3060, to be operative only if AB 3060 and this bill are both chaptered and become effective January 1, 1987 and this bill is chaptered last.

Ch. 1386 (AB 2599) Calderon. California Museum of Latino History.

Existing law does not provide for a state museum which interprets the contributions of Latin Americans to the history and culture of California and of the nation.

This bill would state the findings of the Legislature of a need for a state repository dedicated to the contributions of Latin Americans, and would require the California Museum of Science and Industry to prepare a study on the development of a California Museum of Latino History.

This bill would appropriate \$50,000 to the museum from the General Fund for the purpose of conducting the study required by this bill.

Ch. 1387 (AB 2685) Killea. International trade.

(1) Existing law makes certain legislative findings and declarations concerning international trade and tourism, and creates within the Governor's office the California State World Trade Commission, consisting of 15 members and an advisory council, as specified.

Existing law requires the commission to serve as the official representative of the State of California to foreign governments and representatives, and authorizes the commission to perform various functions, including the conducting of research and analysis of foreign commerce, the nature of doing business in foreign marketplaces, methods of

stimulating reverse investment, international tourism, and governmental incentives and disincentives for world trade opportunities in California.

This bill would repeal the provisions establishing the California State World Trade Commission, and would recreate the commission. The commission would be composed of 11 members, to be appointed as specified. The Governor, the Lieutenant Governor, the Secretary of State, a Senator appointed by the President pro Tempore of the Senate, and an Assembly Member appointed by the Speaker of the Assembly, would also serve on the commission and would be nonvoting, ex officio members.

The bill would permit the commission to establish an advisory council, and to require the commission to hire a director for the commission.

The bill would revise the duties of the commission.

The bill would provide that the commission shall serve as the primary state agency responsible for coordination of activities to expand international trade for the state, including representing, or assisting in representing, the state in foreign countries.

The bill would also empower the commission to perform various other functions in furtherance of the purposes of the commission.

(2) Under existing law, the California State World Trade Commission is authorized to establish overseas trade offices.

The bill would express the intent of the Legislature that the Commission on California State Government Organization and Economy conduct a review and make recommendations to the Governor and the Legislature, by May 1, 1987, regarding how best to provide state level administration and coordination of planned overseas offices, as specified.

The bill would require the Governor to select an individual, who shall have specified qualifications, to oversee and coordinate the activities of all overseas offices.

This individual would be required to annually report, commencing November 1, 1987, to the Legislature on the activities and expenditures of the overseas offices, make recommendations for present and future offices, and respond, in a timely fashion, to requests by the Legislature for information on specific activities and expenditures of overseas offices.

Ch. 1388 (AB 2749) Robinson. Public agencies.

(1) Under the existing State Building Construction Act of 1955, the plans and specifications for public buildings are prepared by the Department of General Services, and the buildings are constructed in accordance with the State Contract Act. The restrictions do not apply to any public building constructed for lease to the Regents of the University of California by the State Public Works Board pursuant to specified provisions.

This bill would repeal the existing exemption and provide that the restrictions do not apply to any public building constructed pursuant to specified provisions by, or on behalf of the State Public Works Board for lease-purchase by the board to, or in connection with, a contract between the board and the regents, the Trustees of the California State University, or a community college district.

The bill would appropriate an amount not exceeding the amount of any unsold bonds for purposes of financing a public building construction project under the act to the Director of Finance for purposes of that project, with provision for repayment, with interest, from the bond proceeds. The bill would also make provision for priority of appropriations for lease or contract payments and the use of indentures for issuance of bonds, notes, or other obligations under the act.

(2) Under existing law, county boards of supervisors are granted various powers and duties with respect to the acquisition, repair, and lease of public property.

This bill would exempt leases for justice, municipal, and superior courts from the requirement of advertising for bids, and make the provision apply to places used for public assembly purposes, rather than places used for public purposes.

(3) Existing law does not authorize the issuance of revenue bonds by counties for airport purposes.

This bill would authorize the Counties of Sacramento and Orange, in addition to any other provisions of law relating to issuing bonds for county improvements, to issue revenue bonds for airport purposes.

(4) Under existing law, all local agencies are authorized to issue refunding bonds under specified provisions which are an alternative method for proceeding which does not need to comply with other laws for the issuance of bonds or the incurring of indebtedness.

This bill would require that the refunding bonds previously subject to the District Securities Investigation Law of 1965 and the Districts Securities Law continue to be subject to investigations, reports, and approval or certification of the bonds by the Treasurer.

(5) Under existing law, the County of San Diego or the County of Santa Clara is authorized to establish a Courthouse Temporary Construction Fund funded by specified penalty assessments. Deposits in the fund are to continue until either the 20th year after the initial calendar year in which the surcharge is collected or whatever period is necessary to repay any borrowings by the county.

This bill would further provide that the period for the surcharge may also extend for the time necessary to repay any public agency funding mechanism including, but not limited to, the retirement of bonded indebtedness, loan repayments, and monthly payments including lease-purchase programs.

(6) Under the existing Santa Clara County Commuter Relief Act, the Santa Clara County Traffic Authority is authorized to impose a 1/2% retail transaction and use tax and to issue bonds payable from the tax if a majority of the voters voting on the measure approve the tax and the issuance of bonds.

This bill would revise the bonding requirements and provide for the issuance of bonds by the authority under the Revenue Bond Law of 1941.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1389 (AB 939) Johnston. Public financing.

(1) Existing law contains authority for the state and local governments to issue bonds and enter into other types of public financing arrangements for specified purposes.

The bill would make findings regarding the potential negative effect of proposed federal tax legislation which would make interest on bonds issued by the state and local governments subject to federal taxation, and the need to give the state and local governments adequate authority to structure public financing arrangements if subject to federal taxation, in a manner which will meet the needs of the market and enable adequate public financing to be obtained.

This bill would authorize a legislative body, as defined, with respect to bonds, as defined, whose interest would be subject to federal taxation, to authorize the issuance of these bonds under terms and conditions specified by the legislative body.

The bill would authorize the state and local governments to take any actions necessary to register or qualify the bonds described above for offer and sale under federal or state securities laws.

The bill would also authorize one or more state or local governments to cause to be formed, and to acquire all, but not less than all, of the voting stock in, one or more corporations, not chartered by a state or federal agency as a depository institution, organized for the purpose of undertaking financing programs approved by a participating legislative body and found by that body to be of benefit to the entity being governed.

Existing constitutional provisions place limitations on the interest rate which may be charged upon loans or the forbearance of any money, but these provisions do not apply to specified types of entities. These provisions also permit the Legislature to exempt other classes of persons from these constitutional limitations.

The bill would provide that any bonds issued pursuant to the bill would be exempt from the above-mentioned constitutional limitations.

This bill would provide that its provisions shall not affect bonds approved by the voters of the state or local government issuer prior to the effective date of the bill, to the extent that the bill is inconsistent with the measure authorizing those bonds.

The bill would also authorize a municipal utility district which has owned and operated an electric distribution, water distribution, or sewage disposal system for at least 8 years and which has a population of 250,000 or more to enter into contracts commonly known as "interest rate swap agreements" or "forward payment conversion agree-

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ments" with any person providing for the exchange of payments between the person and the district.

(2) AB 2749, would, if enacted, authorize the Counties of Sacramento and Orange to issue revenue bonds for airport purposes.

This bill would make amendments to these provisions, with these amendments to become operative only if AB 2749 is enacted during the 1986 portion of the 1985-86 Regular Session, and if that bill contains certain of the airport improvement provisions referred to above.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1390 (AB 2920) Sher. Underground storage tanks local agencies.

(1) Existing law requires local agencies to issue permits for underground storage tanks which contain hazardous substances.

This bill would specify that a local agency may not issue or renew such a permit for any person who has not paid specified fees and surcharges.

(2) Existing law authorizes a local agency to issue an interim permit to the owners or operators of an underground storage tank if the local agency does not issue, or refuses to issue, a permit within 30 days after receiving a permit application. The local agency is required to approve, modify and approve, or disapprove the monitoring program proposed in the permit application by March 1, 1986. Existing law prohibits the interim permit holder from being held in violation of certain requirements until a standard permit is issued or refused, which the local agency is required to do by September 1, 1986.

This bill would also prohibit owners or operators from being held in violation of these requirements if the owner or operator meets all of specified conditions relating to monitoring equipment and testing or if the owner or operator submitted a permit application or made an inquiry to the local agency before March 1, 1986, and has not received a permit from the local agency because of specified reasons. The bill also deletes the termination date of September 1, 1986, on the interim permit provisions.

(3) Existing law requires local agencies to provide the State Water Resources Control Board with a copy of completed permit applications for underground storage tanks and the board is required to store this information on a computer. Permitholders are required to submit an annual report to the board concerning any changes in the usage of an underground storage tank.

This bill would require the board to make a finding within 60 days of the effective date of this bill concerning the costs of the permit application system using the Statewide Environmental Evaluation and Planning System (SWEEPS) or the board's own system and, upon selecting the system, to either enter into a contract with the California Association of Environmental Health Administrators or store the permit information using the board's system. If the board enters into a contract with the association, the board would be required to reimburse the association, upon appropriation by the Legislature, for costs incurred in the operation of the SWEEPS. The bill would require a local agency to provide the association or the board with a copy of the completed permit applications within 30 days after taking final action on the permit, thereby imposing a state-mandated local program. The bill would delete the annual report requirement and would instead require the permittee to notify the local agency, within the period determined by the local agency, of those changes in the usage of an underground storage tank, thereby imposing a state-mandated local program.

(4) Existing law requires that the fees paid to local agencies by permit applicants for underground storage tanks include a surcharge to cover the board's costs in carrying out provisions regulating underground storage tanks.

This bill would require the surcharge to include the costs of the local agency in collecting the surcharge. The bill would authorize a local agency to retain 6% of the surcharge for these costs. A local agency would be required to transmit the surcharge revenues within 45 days after receipt and to pay the board or association for the costs of processing a permit application for which the local agency has not transmitted the surcharge, thereby imposing a state-mandated local program.

(5) Existing law imposes civil and criminal penalties for the violation of various

requirements concerning underground storage tanks and provides that these penalties are in addition to any other legal remedies and penalties.

This bill would instead provide that each civil penalty or criminal fine imposed for any separate violation is separate, and in addition to, any other civil penalty or criminal fine imposed pursuant to this provision or any other provision of law. The bill would require the penalty be paid to the office which brings the action.

The bill would also allow the Attorney General, a district attorney, or a city attorney to apply for an injunction or restraining order to require compliance with the laws regulating underground storage tanks and would specify the allegations and proof which are not required to be made for the issuance of an injunction or temporary restraining order.

The bill would specify procedures for the bringing of a civil action pursuant to these provisions.

(6) The bill would incorporate additional changes to Sections 25281 and 25287 of the Health and Safety Code proposed by AB 3570 to be operative only if AB 3570 and this bill are both enacted and become effective on or before January 1, 1987, and this bill is chaptered last. These changes would become operative on the operative date of AB 3570.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

(8) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1391 (AB 2993) Mountjoy. Contractors: failure to pay contractors or subcontractors: bond requirement.

Existing law generally provides that the Contractors' State License Board shall require, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license, that the applicant file or have on file a contractor's bond in the sum of \$5,000.

This bill would provide that, notwithstanding this provision, the board shall require an applicant, previously found to have failed or refused to pay a contractor, subcontractor, consumer, or employee based on a recorded and unsatisfied judgment from a court of law or on an unsatisfied final arbitration award in the 5 years preceding the application, to file or have on file a contractor's bond or other security sufficient to guarantee payment of an amount equal to the unsatisfied judgment or judgments, to a maximum of \$50,000. The applicant would be required to provide the board with a notarized copy of any accord to satisfy a judgment or an award. The bill would provide that this requirement shall apply only with respect to an unsatisfied judgment or arbitration award which is substantially related to the qualifications, functions, or duties of the license being applied for. This bill would provide that if an applicant shows proof of satisfaction of the judgment, this requirement shall not apply. This bill would provide that the bond shall be on file for one year or until such time as a satisfaction of all judgments or awards are made. The bill would also provide that the failure to provide the bond or a copy of any accord, as required, shall be grounds to deny the issuance, reinstatement, reactivation, or renewal of a license.

The bill would require the board to include on the license application for issuance, reinstatement, reactivation, or renewal, a statement, to be made under penalty of perjury, as to whether there are any such recorded and unsatisfied judgments against the applicant. The bill would also provide that falsification of any application for the issuance, reinstatement, reactivation, or renewal of a license is a cause for disciplinary action.

The bill would become operative on July 1, 1987.

Ch. 1392 (AB 3072) Harris. State Bar of California.

Existing law provides that members of the State Bar are all persons admitted and licensed to practice law in California, except as specified.

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This bill would make various changes in the law relating to admission to the practice of law, including specifying the number and composition of the membership of the examining committee responsible for examining applicants for admission to practice law; requiring the examining committee to submit a report to the Legislature by September 30, 1987, concerning certification of applicants as to possession of minimum courtroom or trial capabilities; prohibiting changes in the content or form of the bar examination except upon specified notice; and authorizing the use of scaling in the grading of the bar examination for specified purposes.

The bill would also authorize the review of specified studies relating to the bar examination by a consultant employed by the Chairpersons and Vice Chairpersons of the Senate and Assembly Committees on Judiciary.

Ch. 1393 (AB 3139) Costa. Prisons: appointment of wardens and superintendents.

(1) Existing law authorizes the Director of General Services, with the consent of the Department of Corrections, to let to the City of Vacaville for a public purpose, for a period not to exceed 20 years, certain real property which belongs to the state and which is retained as a buffer area between the medical facility and other real property.

This bill would allow that lease to be renewed upon its current expiration for an additional period, not to exceed 20 years.

(2) Existing law generally provides that the Governor, upon recommendation of the Director of Corrections, and with the advice and consent of the Senate, shall appoint the wardens and superintendents of the various state prisons. Existing law provides, however, that the Director of Corrections shall appoint a superintendent for the Deuel Vocational Institution, a warden for the California Training Facility, and a superintendent for the medical facility.

This bill would make the general provisions applicable to the superintendent for the Deuel Vocational Institution, the warden for the California Training Facility, and the superintendent for the medical facility. The bill would also delete provisions that require a hearing and findings before the removal of wardens and superintendents and would make conforming changes.

(3) The bill would furthermore provide for the reimbursement, from funds appropriated for the support of the Department of Corrections, of costs, agreed to by the Department of Corrections, incurred by the Joint Legislative Prison Committee in reviewing environmental assessment studies pursuant to specified provisions of the Penal Code, thereby making an appropriation.

(4) This bill would authorize the Department of Corrections to pay to Otay Water District in Improvement District Seven an improvement fee at the Richard J. Donovan Correctional Facility at Rock Mountain, provided that in no event is the department authorized to pay an improvement fee of more than \$1,000,000.

(5) Existing law creates the 1984 Prison Construction Fund in the State Treasury, to be used for the construction, renovation, remodeling, and deferred maintenance of state correctional facilities.

This bill would require the Department of Corrections to perform site suitability studies, a feasibility evaluation, and an Environmental Impact Report regarding the construction of a women's facility of up to 2,000 beds in Madera County, as specified. The bill would also require the department to submit a report on the feasibility study and a summary of the Environmental Impact Report to the Joint Legislative Budget Committee and the Joint Legislative Committee on Prison Construction as soon as the report or summary is completed, but no later than October 1, 1987.

(6) Existing law authorizes the Department of Corrections to construct a prison in Amador County in the vicinity of Lone.

This bill would authorize the Department of Corrections to transfer from any funds available to the department up to \$40,000 for specified law enforcement purposes regarding the construction of a prison in Amador County, as specified, thereby making an appropriation.

(7) The bill would authorize the Department of Corrections to construct and occupy a minimum security, work-based camp facility in Modoc County.

(8) The bill would provide that requirements of the 1982 and 1983 Budget Acts

providing that a San Diego Prison design be used as a prototype shall have no force and effect

(9) The bill would require the Department of Corrections to perform site suitability studies for correctional facilities in Imperial County and in western Kern County.

(10) The bill would appropriate \$9,702,000 to the Department of Corrections. Of that amount \$1,693,000 would be for the Northern California Women's Facility in San Joaquin County, as specified, \$500,000 for studies in Madera County, \$4,000,000 for the facility in Modoc County, \$500,000 for expanded vocational educational space, and \$500,000 for each of the Imperial County Kern County studies, \$1,009,000 for costs of relocating a waterline in San Diego County, and \$1,000,000 for payment of a fee to the Otay Water District.

(11) The bill would declare that its provisions are severable.

(12) The bill would declare that it will take effect immediately as an urgency statute

Ch 1394 (AB 3150) Eaves. State park system: employees. training.

Under existing law, 50% of the fines and forfeitures collected with respect to offenses committed by any person arrested or notified by a peace officer of the Department of Parks and Recreation and occurring on property owned, administered, or controlled by the department is required to be deposited in the State Parks and Recreation Fund to be expended, when appropriated therefor, to pay refunds of erroneously deposited fines and forfeitures and for public safety training of department employees, as specified.

This bill would make the funds available for training of department employees in the Ranger/Lifeguard classification subject to specified conditions.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1395 (AB 3176) Wright. State highways: Routes 23 and 118.

Existing law describes and specifies the route number designation and descriptions of routes in the state highway system, including State Highway Routes 23 and 118.

This bill would authorize the Department of Transportation, from funds appropriated to the department for maintenance of state highways, to pay \$10,000 annually to the City of Simi Valley for the costs of maintaining and operating specified roads in that city which are used by motorists to traverse between Routes 23 and 118

The bill's provisions would become inoperative upon the department certifying that construction is complete on a specified 1985 State Transportation Improvement Program project on Route 23

Ch. 1396 (AB 3210) Moore. Public utilities termination of service Electricity districts. rates.

(1) Under existing law, public utilities owned by municipal corporations, municipal utility districts, and public utility districts are required to give notice in a specified manner before terminating residential service for nonpayment.

This bill would, in addition, authorize the posting of a termination notice in a conspicuous place on the premises for these purposes.

(2) Under existing law, the board of directors of a municipal utility district is required to, among other things, supervise and regulate every utility and facility owned and operated by the district, including the fixing of rates, rentals, and charges. Before any rates and charges for commodities or service furnished by a municipal utility district are fixed or changed, the general manager is required to file a report and recommendation thereon, in writing, and the board is required to hold a hearing on the report and recommendation within 40 days after delivery, as specified.

This bill would, for an electricity district, defined as a municipal utility district that furnishes electricity to more than 100,000 customers, impose a state-mandated local program by requiring that the board hold a hearing on the report and recommendation of the general manager within 90, but not less than 30 days after the report is filed, except in a financial emergency situation, as specified. The bill would require that notice of the hearing be published within the district, as specified. The bill would also impose a state-mandated local program by requiring the contents of the general manager's report to contain specified information and by requiring the hearing to be conducted in a

specified manner.

(3) The bill would incorporate changes made to Sections 10010.1, 12823.1, and 16482.1 of the Public Utilities Code by Ch. 479 (AB 2721), Stats. 1986.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1397 (AB 3333) Areias. Financial transactions: credit cards and charge cards.

Existing state law does not contain special requirements respecting advertising and solicitations of credit card and charge card issuers.

This bill would, with certain exceptions, require specified application forms and written solicitations for defined credit cards and charge cards to contain specified disclosures respecting interest and fees.

Ch. 1398 (AB 3484) Harris. Courts: judicial holidays.

(1) Existing law, operative January 1, 1989, specifies the judicial holidays to be observed by the courts, and authorizes the Judicial Council to specify alternative days for judicial holidays which fall on a Saturday or Sunday.

This bill, operative January 1, 1989, would (a) exclude September 9, known as Admission Day, from that list of judicial holidays, (b) add every Saturday (except as to small claims courts) and the day after Thanksgiving to that list and make conforming changes, and (c) repeal the provision requiring municipal and justice courts to remain open on statewide election days in certain counties, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law requires that upon forfeiture of bail, if the amount of the forfeiture exceeds \$100, the clerk of the court shall mail notice of the forfeiture to the surety on the bond or depositor of money instead of bond, and shall execute a certificate of the mailing and place it in the court's file of the case, as prescribed.

This bill would increase the minimum amount of bail forfeiture requiring this action to \$200.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1399 (AB 3695) Condit Transportation: public transit. fare ratios

(1) Under the Mills-Alquist-Deddeh Act, operators are required to maintain specified ratios of fare revenues to operating costs in order to receive funds under the act. An operator which exceeded the prescribed ratios during the 1978/79 fiscal year, is required, at least to maintain that higher ratio in order to be eligible for funding under the act.

This bill would delete a provision prescribing the ratio of fare revenues to operating costs for an operator in a county which had a population of less than 500,000 under the 1970 federal census and a population greater than 500,000 under the 1980 federal census. The bill would also delete a similar provision applicable to operators in a county having a population of less than 500,000 under the 1980 federal census.

(2) Under that act, an extension of public transportation service is exempt from the ratio of fare revenues to operating costs requirements for the first 2 years of implementation of the extension.

This bill would grant the exemption for 2 fiscal years after the end of the fiscal year in which the extension was put into operation.

(3) [(2)]* Under that act, an operator is required to increase its fare revenues for the fiscal year following a fiscal year in which it did not maintain the prescribed ratio of fare revenues to operating costs

This bill would, instead, require a reduction in the amount of funding for which the

operator would otherwise be eligible.

The bill would authorize a transportation planning agency or county transportation commission to set the required ratio of fare revenues to operating costs at not less than $\frac{2}{3}$ for an operator serving an urbanized area in a county of 500,000 or less population where funds may be allocated for street and road purposes.

~~(4)~~ [(3)]* Under that act, a transportation planning agency [is authorized]* to grant an operator, which serves an area first designated as an urbanized area in the 1980 federal census, additional time, but not after July 1, 1987, to meet the required ratio of fare revenues to operating costs.

This bill would delete the termination date of July 1, ~~1981~~ [1987]*, would make it applicable to operators serving an area designated as an urbanized area in the 1980 or a subsequent federal census, would permit an operator to be granted not more than 5 years, as specified, to comply with the required ratios, and would also make the authorization to grant such extensions applicable to county transportation commissions.

~~(5)~~ [(4)]* The bill would make other technical and conforming changes.

~~(6)~~ [(5)]* The above provisions of the bill would become operative on July 1, 1987.

Ch. 1400 (AB 3697) Wright. California-Mexico Trade Affairs.

Existing law provides for the Office of California-Mexico Affairs, in order to further and develop favorable economic, educational, and cultural relations with Mexico

This bill would establish within the Office of California-Mexico Affairs the California State Task Force on California-Mexico Relations, to be composed of 15 members.

This bill would require this task force to examine various issues, including issues relating to trade and other areas of mutual concern to California and Mexico.

The bill would require the task force to report its findings and recommendations, no later than June 30, 1987, to the Governor, the Lieutenant Governor, the Senate Rules Committee, and the Speaker of the Assembly.

The bill would require the Office of California-Mexico Affairs to provide necessary funds for the implementation of the bill.

This bill would make its provisions inoperative on July 1, 1987, and would repeal them as of January 1, 1988.

Ch 1401 (AB 3726) Elder. Pipeline safety: pipeline breaks

(1) Existing law prohibits, with respect to any pipeline used to transport a hazardous or highly volatile liquid substance placed in service on or after January 1, 1986, any person other than the pipeline operator from building, erecting, or creating any structure or improvement within the pipeline easement or a structure, fence, wall, or obstruction adjacent to the easement which would prevent access to the easement, and from installing shrubbery or shielding which impairs aerial observation

This bill would extend these prohibitions to every such pipeline, effective January 1, 1987.

(2) Existing law requires pipeline operators to conduct periodic hydrostatic testing, as specified, of certain pipelines and requires the test results to be certified by an independent testing firm or person selected from a list of those approved by the State Fire Marshal.

This bill would require the last approval to be made annually and would authorize the State Fire Marshal to charge a fee for the consideration and approval not to exceed the reasonable costs thereof

(3) Under existing law, the operator of a pipeline used to transport a hazardous or highly volatile liquid substance, with exceptions, including one owned by a privately owned or publicly owned public utility, is required to report every break, explosion, or fire involving the pipeline to the State Fire Marshal and the local agency or fire department having jurisdiction.

This bill would revise this requirement to require reporting of every rupture involving a pipeline system and would define "rupture" for these purposes. The bill would specify that these requirements do not preempt any other applicable federal or state reporting requirement.

(4) Since the bill would impose these requirements and prohibitions on a public

agency and, under other provisions, a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

(5) The bill would also make technical, clarifying, and conforming revisions to other provisions relating to pipeline safety, without substantive change.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 1402 (AB 3741) Bates. Public social services.

(1) Under existing law, the State Department of Social Services is required to recover overpayments of assistance paid under the Aid to Families with Dependent Children program

This bill would specify that if an individual is no longer receiving assistance under that program recovery of overpayments shall not be attempted where the outstanding overpayments are less than \$35, except in cases involving fraud.

(2) Existing law provides that, to the extent required by federal law, the income of a sponsor of an alien residing in this state shall be deemed as income to the aliens, for purposes of determining eligibility for public assistance programs, and, until January 1, 1987, when the sponsor is a public or private agency, the alien shall be ineligible for aid under the Aid to Families with Dependent Children program (AFDC) for a period of 3 years after his or her entry into the country, unless the sponsorship terminates prior to that date or it cannot meet the needs of the alien.

This bill would create a state-mandated local program by deleting the January 1, 1987, repeal date for the existing mandate, resulting in a permanent program

(3) Existing law provides that, to the extent required by federal law, the income of a dependent child and his or her natural or adoptive parent will be taken into consideration in determining AFDC eligibility, and until January 1, 1987, excludes from income to be considered in determining AFDC eligibility earned income of a dependent child derived from participation in the federal Job Training Partnership Act of 1982 and income of a dependent child who is a full-time student pursuant to the federal Deficit Reduction Act of 1984.

This bill would create a state-mandated local program by deleting the January 1, 1987, repeal date for the existing mandate, resulting in a permanent program

(4) For purposes of determining eligibility under various public assistance programs, excluding the SSP program, existing law provides that the first \$60 per quarter of any casual income or income from inconsequential resources which is received infrequently or irregularly shall be exempt from the computation of the application's or recipient's available income.

This bill would limit the amount to the first \$30 per calendar quarter of any small nonrecurring gift.

(5) Existing law provides that, except for specified nonrecurring lump-sum payments, all lump-sum payments received by an AFDC recipient shall be deemed as income to the recipient during the month received and during future months, depending upon the amount of the lump-sum payments, and until January 1, 1987, applies this provision to all lump-sum payments, as defined by federal law, and provides until January 1, 1987, that, where permitted by federal law, any period of ineligibility created due to receipt of lump-sum payments shall be shortened, only if the family experiences a life threatening circumstance requiring the expenditures of the lump-sum payment, and on and after January 1, 1987, the period of ineligibility would be, to the extent required as a condition of the receipt of federal funds computed by dividing the lump-sum income by the standard of need applicable to the family

This bill would create a state-mandated local program by, instead, providing that ineligibility shall be shortened in all circumstances in which federal financial participation would be available for aid paid to the family during that period, thereby increasing services and cost provided by both the state and county.

(6) Existing law, prior to the enactment of Chapter 1447 of the Statutes of 1984,

provided that, various types of trust arrangements or securities for funeral or burial purposes, up to a value of the lesser of \$1,800 or the amount provided for under federal law, shall not be deemed as resources for purposes of determining AFDC eligibility. Chapter 1447 of the Statutes of 1984, created a state-mandated local program by eliminating the dollar limitation and including as exempt resources other funeral agreements to the extent consistent with federal law, until January 1, 1987.

This bill would create a state-mandated local program by deleting the January 1, 1987, repeal date for the existing mandate, thereby resulting in a permanent state-mandated local program.

(7) Existing law provides, until January 1, 1987, that any real property which would otherwise be considered as a resource to an individual shall not be considered as a resource for a period of 6 months if a bona fide effort is being made during this period to sell the property and that any payments which would not have been made to the recipient during this 6-month period if the property had not been an exempt resource due to this provision would be deemed overpayments, and the county would have a lien against the property in order to recoup the overpayments from the proceeds of the sale.

This bill would create a state-mandated local program of deleting the January 1, 1987, repeal date for the existing mandate, thereby resulting in a permanent program, and by increasing to 9 months the period during which the real property would not be considered a resource to an individual

(8) Prior to the enactment of Chapter 1447 of the Statutes of 1984, existing law provided that, to the extent permitted by federal law and regulations, no child or family is eligible to receive AFDC payments if the total gross income, exclusive of AFDC payments, prior to any deduction available to the child or family exceeds 150% of the minimum basic standard of adequate care applicable to the child or family.

Chapter 1447 of the Statutes of 1984, created a state-mandated local program by increasing this percentage to 185% of the minimum basic standard of adequate care until January 1, 1987

This bill would create a state-mandated local program by deleting the January 1, 1987, repeal date for the existing mandate, thereby resulting in a permanent program.

(9) Existing law requires that when a caretaker relative in a family receiving aid under the AFDC program is receiving sanctions for nonparticipation in the Work Incentive Program (WIN), payments will not be made to the caretaker relative, aid will be given in the form of vendor payments.

Existing law also specifies, until January 1, 1987, that, under circumstances where a caretaker relative is being sanctioned under the WIN program, vendor payments will be made only to the extent required by federal law.

This bill would delete the January 1, 1987 repeal date for that provision, resulting in a permanent AFDC vendor payment limitation

(10) Existing law provides for the Medi-Cal program, under which health care services are provided to public assistance recipients and other categories of low-income persons. Persons receiving aid under the AFDC program are automatically eligible for the Medi-Cal program.

Existing law also provides, until January 1, 1987, that families who have at any time ceased to receive AFDC benefits solely due to the termination of a provision concerning the disregard of specified amounts of earned income, shall continue to remain eligible for Medi-Cal benefits for a period of 9 months.

Upon the repeal of those existing provisions on January 1, 1987, pursuant to existing provisions of law the continued eligibility period would revert to 3 months.

This bill would delete the January 1, 1987, repeal date of the existing provisions of law, thereby making the existing provisions of law permanent.

(11) Under existing law, whenever a family receives aid under the Aid to Families with Dependent Children program, the district attorney is required to enforce support payments from the noncustodial parent, and for a period not to exceed 3 months after the family receives that assistance.

This bill would create a state-mandated local program by requiring each district attorney to submit to the State Department of Social Services specified data regarding

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support payments. The bill would require the department to report to specified committees of the Legislature detailing and analyzing the data received from the district attorneys.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund

Ch. 1403 (AB 4090) Molina Health.

Existing law permits the State Department of Health Services to remove products from sale when the public health is menaced.

This bill would create a misdemeanor with prescribed penalties for any person who willfully sells, keeps for sale, or offers for sale any food, drug, device, or cosmetic linked to an outbreak of illness, injury, or product tampering knowing that it has been removed from sale by the State Department of Health Services. Second and subsequent violations would be punishable by larger fines or imprisonment in the state prison, or by both. Creation of the new misdemeanor constitutes a state-mandated local program.

The bill also would permit the court, as a condition of probation, to order persons violating the law to pay for expenses incurred by a local health department or the State Department of Health Services in monitoring compliance with the order, but not to exceed the maximum fine for the offense

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1404 (SB 727) McCorquodale Real property

(1) Existing law prohibits a contractor from performing any services or works of improvement, as defined, or the delivering of any property prior to an enforceable contract being made.

This bill would allow a contractor to obtain building permits and provide other similar services preliminary to the commencement of the home improvement for which no mechanic's lien can be claimed.

(2) Existing law prohibits the waiver of any of the protections relating to 3rd-party financing of home improvement contracts as against public policy.

This bill would authorize the waiver of these protections when the home improvement contract is executed in connection with necessary emergency repairs or services.

(3) Under existing law, a home improvement contract, financed in whole or part by a 3rd-party lender, is not enforceable unless the 3rd party agrees to make the loan, the buyer accepts the loan, and the buyer does not rescind the loan within the 3-day cooling-off period prescribed by the federal Truth in Lending Act or Regulation Z, if applicable.

This bill would create an exception for a swimming pool contract financed by a 3rd-party lender if: (a) the lender agrees in writing to provide financing to the buyer for the maximum estimated construction cost of the pool; (b) the lender provides the buyer specified terms and conditions of the loan; (c) the lender's agreement states the duration of the offer, which may not be less than 15 days following the completion of the excavation of the pool; and (d) the buyer, no sooner than 3 business days after receipt of the above written information, requests, on a specified form, that the contractor begin performance of the swimming pool contract prior to the expiration of any rescission period applicable to the loan

(4) The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1405 (SB 1178) Bergeson. Nutrition.

Under existing law, the State Department of Health Services is required to collect various types of information relating to the public health and to make reports thereon.

This bill would provide for the California Nutrition Monitoring Development Act of 1986, and would require the department to determine the availability and types of nutrition monitoring information currently available and what information is needed and to assess the feasibility of establishing a prototype data system, as specified, and to report thereon to the Legislature and to the Governor by January 1, 1988.

The bill would appropriate \$150,000 for its purposes, as specified

Ch. 1406 (SB 1498) Morgan. Department of Transportation: rail capital improvements and common carriers. free or reduced rate transportation

(1) Existing law authorizes the Department of Transportation to purchase and lease rail passenger cars, locomotives, and other self-propelled rail vehicles. Existing law also authorizes the department to purchase, sell, or lease specified transportation equipment to take advantage of a specified federal statute and to issue equipment obligations therefor and continuously appropriates the money in the Passenger Equipment Acquisition Fund to the department to redeem these obligations and for other related expenses.

This bill would authorize the department to sell, as well as purchase and lease, rail passenger cars, locomotives, and other self-propelled rail vehicles and would require the deposit of the proceeds from these sales in the fund, and would authorize expenditures from the fund for the purchase of new and rehabilitated existing equipment and for passenger commute rail capital improvements, as defined, thereby making an appropriation.

(2) Under existing law, the rates and charges of common carriers, including carriers of passengers, is subject to regulation by the Public Utilities Commission, and no carrier may increase any rate or charge without the commission's approval. Existing law permits a carrier to issue passenger transportation to newspaper and magazine personnel and their immediate families in exchange for advertising at full rates.

This bill would permit the San Francisco-San Jose commute rail service to issue free or reduced rate passenger transportation to broadcast news media personnel, as specified, in exchange for advertising in that media of equal or greater value, subject to reasonable restrictions of the Public Utilities Commission. The bill would require the department by January 1, 1989, to review and assess the effectiveness and cost of any advertising program so effectuated.

Ch 1407 (SB 1520) Petris. Pesticides: data gaps: public notice.

Under the Birth Defect Prevention Act of 1984, the Department of Food and Agriculture was required by December 31, 1985, to identify 200 pesticide active ingredients which have the most significant data gaps, widespread use, and are suspected to be hazardous to people. Not later than September 1, 1986, the department is required to determine whether a test has been initiated to fill each of these data gaps and take specified action regarding data gaps for which a test has not been initiated. Not later than March 1, 1987, the Director of Food and Agriculture is again required to determine whether tests have been initiated and, if not, or if the tests will not be completed in a timely manner as specified, then the director is required to obtain the test results. The director is required to furnish not less than 30 days' public notice of any proposed action under the section of the Food and Agricultural Code containing all of the above-stated requirements.

This bill would specify that the 30-day notice requirement applies only to proposed action by the director to obtain the required test results if the tests have not been initiated by March 1, 1987, or will not be completed in a timely manner.

Ch 1408 (SB 1751) Hart. Actions and proceedings child support.

Existing law authorizes a court to order either or both parents to assign to either the person to whom support has been ordered to have been paid or to the county officer designated by the court to receive the payment, that portion of the salary or wages of either parent due or to be due in the future as will be sufficient to pay the amount

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ordered by the court for the support, maintenance, and education of a minor child. Such an assignment is mandatory, upon petition by the person or county officer to whom support has been ordered to be paid, if the person ordered to pay support is in arrears in payment in a sum equal to the amount of one month of the payment within the 24-month period immediately preceding filing of the petition.

(a) This bill would revise existing law relating to assignments of salary or wages for payment of child support to, among other things, (1) require an assignment in connection with any order for child support entered on and after January 1, 1987, except upon a showing of good cause not to make such an assignment; (2) on and after January 1, 1987, with regard to the existing provision for mandatory assignment upon petition, require an assignment, upon application by the party to whom support has been ordered to be paid or by the district attorney stating that the obligor is in arrears in payment in a sum equal to the amount of support payable for one month, rather than by petition, alleging that the obligor is in arrears in payment in a sum equal to the amount of one month of the payment within the 24-month period immediately preceding filing of the petition; (3) require child support orders modified after January 1, 1987, which do not otherwise contain a provision for wage assignment to so provide, to be effective only upon the filing of the application specified in (2); (4) revise the grounds for quashing an assignment made pursuant to the mandatory assignment provisions of existing law; and (5) make related changes, including changes in nomenclature.

As the requirement for mandatory assignment of salary or wages would require public employers to perform certain duties with regard thereto the bill would establish a state-mandated local program

(b) This bill would also revise other provisions of law relating to parent and child, including, specifying that the district attorney is the public agency responsible for administering wage withholding for purposes of specified provisions of federal law, defining "out of wedlock" for the purpose of a statute specifying the obligation of the district attorney to establish child support obligations and determining paternity and deleting an obsolete reference to federal law relating to support payments. It would also require actions brought by the district attorney to establish or enforce support obligations, except as specified, to be completed within specified time limits, thus establishing a state-mandated local program.

(c) The bill also would make additional amendments to Section 7006 of the Civil Code, proposed by SB 903, contingent upon the prior chaptering of SB 903.

(d) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1409 (AB 3975) Wright. Child support

Under existing law, a court may, and in certain cases is required to, order either parent or both parents to assign to either the party to whom support has been ordered to have been paid or to the county officer designated by the court to receive payment, that portion of the salary or wages of either parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance, and education of a minor child.

This bill would revise this provision to, among other things, (1) require that rather than to a county officer designated by the court an assignment must be paid to the district attorney, thereby establishing a state-mandated local program by imposing new duties on the district attorney; (2) on and after January 1, 1987, require an assignment upon application by the party to whom support has been ordered to be paid or by the district attorney stating that the obligor is in arrears in payment in a sum equal to the amount of support payable for one month, rather than by petition, alleging that the obligor is in arrears in payment in a sum equal to the amount of one month of the

payment within the 24-month period immediately preceding filing of the petition, (3) require child support orders modified after January 1, 1987, which do not otherwise contain a provision for wage assignment to so provide, to be effective only upon the filing of the application specified in (2), (4) revise the grounds for quashing such an assignment; and (5) make related changes, including changes in nomenclature.

The bill would delete an obsolete reference to federal law relating to support payments.

This bill would incorporate further amendments to Section 4701, Civil Code, proposed by SB 1751, contingent upon the prior chaptering of SB 1751.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1410 (SB 1862) Marks State Coastal Conservancy: urban waterfront restoration: Port of San Francisco.

Existing law authorizes the State Coastal Conservancy to make loans to public agencies or nonprofit organizations for the cost of preparing urban waterfront restoration plans and to award grants to local public agencies and nonprofit organizations for the restoration of urban coastal waterfront areas.

This bill would authorize plans prepared for the Port of San Francisco pursuant to the Urban Waterfront Restoration Act of 1981 to comply with specified requirements and would require, upon the approval of the conservancy, that the port be given high priority for urban waterfront project funding

Ch. 1411 (SB 1971) Royce. PERS: Membership exclusions-service credit.

The Public Employees' Retirement Law (PERL) excludes from membership persons who are members of any other publicly funded retirement or pension system and are receiving credit therein for service and prohibits any person from receiving credit for the same service in 2 publicly funded retirement systems

This bill would except from those provisions, persons participating in a money purchase pension plan and trust which meets the requirements of Section 401(a) of the Internal Revenue Code.

The PERL defines, for retirement purposes, the term "compensation" through specified included and excluded categories

This bill would, with respect to that definition of "compensation," specifically include amounts deducted from members' salaries for payment into, and specifically exclude amounts paid by employers as employer contributions into, any money purchase pension plan and trust which meets the requirements of Section 401(a) of the Internal Revenue Code

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1412 (SB 1977) Campbell State Fire Marshal: training and education.

(1) Existing law requires the State Fire Marshal to perform specified duties relating to training in fire fighting

This bill would require the State Fire Marshal to establish procedures for seeking, accepting, and administering gifts and grants for use in implementing the California Fire and Arson Training Act.

(2) Existing law provides for the imposition of specified assessments on various criminal penalties, fines and forfeitures for specified purposes. Existing law also provides for the deposit of certain fines and forfeitures collected for specified violations to be deposited in the California Fire and Arson Training Fund for support of fire training.

This bill would provide, in addition to specified assessments, for an assessment of 10¢ for every \$1, or fraction thereof, upon every fine, penalty, or forfeiture imposed and

collected for public offenses limited to violations of the Health and Safety Code and building standards and regulations which are enforced by the State Fire Marshal or local agencies and local ordinances, as specified, to be deposited in the California Fire and Arson Training Fund to be available, when appropriated by the Legislature, for the Office of the State Fire Marshal to support fire and arson training. The bill would impose a state-mandated local program by requiring the counties to transfer the funds collected from their treasuries to the State Treasury monthly.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1413 (SB 2024) L. Greene. Travel promoters

Existing law defines a travel promoter for purposes of regulation and the maintaining of a bond as a person who sells, provides, furnishes, contracts for, arranges, or advertises that he or she can or may arrange air or sea transportation. The law exempts an air carrier, an ocean carrier, or an agent of the air carrier or ocean carrier from its provisions.

This bill would provide that the definition shall apply to a person who provides those services either at wholesale or retail and provide that an agent shall be exempt if the agent is an agent of the carrier which provides the transportation and where the transportation is offered or sold pursuant to an agency appointment.

Existing law requires a travel promoter to deposit 90% of all sums received in a trust account, as specified.

This bill would specify that the deposit requirement shall apply to payments made by cash, credit card, or any other method of payment.

Existing law requires a travel promoter to issue a ticket or voucher for transportation if the passenger requests the ticket or voucher and has made full payment of the fee for the ticket or voucher.

This bill would require the travel promoter to issue a ticket or voucher for air or sea transportation and related services within 48 hours of payment in full by the passenger with cash or credit card. Upon payment in full with a check the ticket or voucher would be required to be issued and delivered within 48 hours of the earlier of the time the payment is credited to the travel promoter's account or the expiration of the maximum hold period for checks if payment is made by check, as specified.

This bill would also provide that if the travel promoter is unable to issue the ticket or voucher, as required, the travel promoter may as an alternative, either (1) forward the sums received to the air or sea carrier which is required by the carrier to provide the services purchased by the passenger, or (2) deposit the moneys in a trust fund, as specified.

This bill would make clarifying changes and state that the amendments to Sections 17540.1 and 17540.6 of the Business and Professions Code made by the bill are declaratory of existing law.

A violation of any of the above provisions is a misdemeanor. This bill would impose a state-mandated local program because it would revise or add crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1414 (SB 2026) Petris. Home inspections: Contractors' State License Board.

Existing law does not require the Contractors' State License Board to study problems relating to home inspectors.

This bill would require the board to report to the Legislature on or before January 1, 1987, on (1) the feasibility and timeframe for implementation and development of an

examination for the licensing, certification, or registration of home inspectors, as specified, (2) the identification of experience and educational requirements desired for the licensing or certification of home inspectors, (3) the development of a process of disciplinary action against home inspectors not in compliance with specified standards, and (4) the development of a scope of practice contained in the performance of a home inspection, as specified.

The bill would appropriate \$25,000 from the Contractors' License Fund to the board for purposes of the bill.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1415 (SB 2059) Dills. Ports: Los Angeles Oakland

Under existing law, the State Lands Commission has jurisdiction and authority over tidelands and submerged lands of the state which have been granted to public entities. All revenues from trust lands and trust assets may be expended only for specified purposes.

This bill would authorize the commission and the City of Los Angeles to mitigate expansion of the Port of Los Angeles by the enhancement, restoration, and management of Batiquitos Lagoon. The bill would not exempt the Batiquitos Lagoon Restoration Project from the regulatory requirements or jurisdiction of any public entity, and any interests in property acquired as part of the mitigation project would be required to be held in trust by the commission. The bill would require the Port of Los Angeles to provide a recreational boating sanitation facility, navigational aids in the Cabrillo Channel, and a free boating safety publication.

The bill would also authorize the port commissioners of the Port of Oakland, if it makes specified determinations, to use its tidelands trust revenues to accomplish mitigation required under a specified permit from the Department of the Army for a project by the acquisition, enhancement, restoration, or management of land outside the geographical boundaries of the trust grant. The bill would authorize the State Lands Commission to lease (as lessor) any lands or interest in land so acquired and transferred to it pursuant to the bill's provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1416 (SB 2141) L. Greene. Mobilehome parks

Existing law provides that specified mobilehome park site rental agreements in excess of 12 months' duration and extensions thereof prevail over conflicting provisions in any ordinance, rule, regulation, or initiative adopted by a local governmental entity which limits or restricts rent. Existing law provides that, upon expiration of a rental agreement or extension thereof subject to these provisions, the last rental rate charged under the previous rental agreement shall be the base rent for purposes of applicable provisions of law concerning rent regulation. Existing law also requires rental agreements entered into pursuant to these provisions to contain a specified notice that the agreement would be exempt from local rent regulation.

This bill would provide that the homeowner shall have at least 30 days to accept or reject such an agreement, that the homeowner may void the agreement within 72 hours of its execution, and would provide that the homeowner shall have the option to reject the agreement and accept one for 12 months or less at the same terms and conditions except for options to renew. The bill would require the management to meet and consult with homeowners concerning those agreements.

Ch 1417 (SB 2204) Robbins. Retired judges: JRS retirement allowances: oaths.

Existing law authorizes the proof or acknowledgment of an instrument to be made before a judge, and authorizes every judge to administer oaths or affirmations.

This bill would extend those provisions to retired judges.

The Judges' Retirement Law provides increased retirement allowances for judges who, among other things, retire on or before attaining age 70 and for their surviving spouses.

This bill would authorize a judge who, on or after January 1, 1987, becomes entitled to the increased allowances to elect only for an actuarially reduced retirement allowance.

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payable for life and, if the judge dies before receiving the amount of his or her accumulated contributions at retirement, for payment of the remaining amount of unpaid accumulated contributions to his or her designated beneficiary or, if none, to his or her estate. The surviving spouse of such a judge who dies during retirement would receive, until death or remarriage, an allowance equal to $\frac{1}{2}$ of the full increased allowance.

Ch 1418 (SB 1789) Davis. Courts.

(1) Existing law specifies the terms of office of members of a board of law library trustees appointed by the board of supervisors.

This bill would revise the term of office of members of a board of law library trustees appointed by the board of supervisors, and specify the term of office of members appointed by the judiciary, in Los Angeles County.

(2) Existing law specifies that every executive and judicial officer and every Member of the Legislature may administer and certify oaths.

This bill would specify that a former judge of a court of record in this state who retired or resigned from office, other than a judge who was retired by the Supreme Court for disability, shall, upon certification of the Commission on Judicial Performance that there was no formal disciplinary proceeding pending at the time of retirement or resignation, may administer oaths and shall be deemed a judicial officer for purposes of the above provisions of existing law. The commission would be required to issue the certification when no formal disciplinary proceedings are pending; and the bill would provide that no law, rule, or regulation regarding the confidentiality of proceedings of the commission shall be construed to prohibit the commission from issuing a certificate.

(3) Existing law specifies the number, compensation, and classification of superior court and municipal court personnel, in Los Angeles County.

This bill would change the title, method of appointment, and assignment of duties of the executive officer of the superior court, revise the number, compensation, and classification of superior court and municipal court personnel, in Los Angeles County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law specifies the compensation and classification of municipal court personnel in Contra Costa County.

This bill would revise the compensation and classification of municipal court personnel in Contra Costa County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(5) Under existing law, the fee for reporting testimony and proceedings in contested cases in Madera County is \$80 a day or any fraction of that amount.

This bill would allow the Madera County Board of Supervisors to set a higher rate of compensation for superior court reporters.

(6) Under existing law, the fee for reporting testimony and proceedings in contested cases in Kings County is \$85 a day or any fraction thereof.

This bill would raise that amount to \$100.

(7) Under existing law, the fee for reporting testimony and proceedings in contested cases is generally \$55 a day but in Shasta County is \$75 a day or any portion thereof.

This bill would authorize the board of supervisors to prescribe a rate higher than the rate of \$55.

(8) Existing law provides that the monthly salary of full-time court reporters in Shasta County is \$1,470 unless the board of supervisors sets a higher rate by ordinance.

This bill would eliminate the requirement that a higher rate be set by ordinance.

(9) Statutory provisions amended by Chapter 288 of the Statutes of 1986 and effective January 1, 1987, will permit the board of supervisors, as specified, by ordinance, to abolish the office of constable by transferring the duties of constable to either the sheriff or marshal, provided that, among other things, no constable will lose salary, rank, or benefits and that sworn personnel are exempt from meeting certain requirements set by the Commission on Peace Officer Standards and Training if the office of constable is abolished.

This bill would provide that only constables employed on January 1, 1987, are protected from the loss of salary, rank, or benefits in the event the office of constable is abolished.

and that only those sworn personnel assigned to duties other than the prevention and detection of crime and the general enforcement of the criminal laws of this state are exempt from the requirements set by the Commission on Peace Officer Standards and Training.

(10) Existing law establishes various municipal court districts, and prescribes the number, classification, and compensation of the officers and employees thereof.

This bill would establish the Hanford Judicial District in Kings County, having one judge. The bill would prescribe the number, classification, and compensation of the officers and employees thereof. The bill would impose a state-mandated local program by requiring a higher level of service under an existing program.

(11) Existing law authorizes the judges of the Napa Municipal Court to appoint a full-time or part-time court commissioner, and specifies the qualifications thereof and compensation therefor.

This bill would recast the existing law by revising the commissioner's powers and duties with regard to acting as traffic referee and would revise the commissioner's fringe benefits.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1419 (SB 2307) Carpenter International trade

Existing law provides for a California State World Trade Commission with specified duties concerning the expansion of international trade and international tourism as it relates to California.

This bill would require the commission to review, analyze, and make recommendations regarding California statutes, rules, and regulations which have been identified as significant trade barriers for exporters of major California manufactured goods and services. The commission also would be required to catalogue significant trade barriers to manufactured goods and services imposed by nations of the Pacific Rim covered by the General Agreement on Tariffs and Trade, and to research and compile information which identifies the foreign destinations of California-produced exports by major product category.

This bill would also require the commission to report its findings and recommendations to the Governor, the Lieutenant Governor, the Secretary of State, the Senate Rules Committee, and the Speaker of the Assembly.

This bill would appropriate \$50,000 for purposes of the bill.

In addition, the bill would declare that it is to take effect immediately as an urgency statute.

Ch 1420 (AB 3595) Davis. Property taxation

Existing provisions of the California Constitution permit the Legislature, by a $\frac{2}{3}$ vote of each house, to classify personal property for differential taxation or exemption. Existing statutory law exempts business inventories, as defined, from property taxation.

This bill would provide for a classification of personal property for differential taxation by excluding from the definition of business inventories goods intended for sale or lease in the ordinary course of business which cannot be legally sold or leased in this state. It would also provide that it shall be conclusively presumed that the value of those goods when discovered is the value of the goods on the preceding lien date, if those goods are not reported on the required signed property statement.

Under existing law, a floating home, as defined, is assessed as real property for purposes of property taxation. It also includes "floating home" in various provisions relating to mobilehomes and manufactured housing contained in the Mobilehomes-Manufactured Housing Act of 1980, as specified.

This bill would impose a state-mandated local program by revising the procedures for assessing a floating home and by establishing a procedure for the issuance of tax clearance certificates which would be required, as specified, for registration or transfer of

registration of a floating home.

Existing law requires the assessor and the recorder to make available, without charge and upon request, preliminary change in ownership reports, in a specific form, which transferees of real property may complete and file concurrently with the recordation of documents evidencing a change in ownership.

Existing law permits the recorder, with certain exceptions, to charge an additional specified recording fee if a document evidencing a change of ownership is presented for recordation without the concurrent filing of a preliminary change of ownership report.

This bill would provide that the filing of a preliminary change of ownership report or the payment of an additional recording fee shall not be required of any intermediate transferee of property, as defined.

Existing law, enacted in Chapter 988 of the Statutes of 1984, revised the procedure for a county to enforce its tax liens on real property when taxes due are unpaid. Among other things, it substituted "tax-defaulted property" for previous references to "tax-sold property" and "tax-deeded property" and revised various related provisions dealing with procedures governing the enforcement of tax-defaulted property.

This bill would change obsolete language referring to tax-sold property and tax-deeded property, and would make conforming related changes in various provisions dealing with procedures governing the enforcement of tax-defaulted property.

Under existing law, the tax collector is required to mail, on or before November 1, a county tax bill or copy thereof for any property on the secured roll. It provides that this requirement need not be met where the computation of taxes results in a zero amount.

This bill would instead provide that the requirement need not be met where no taxes are due, and would make various other changes to that law.

This bill would make various other changes to the laws governing the administration and enforcement of the property tax laws.

The bill would also validate acts and proceedings taken by local taxing agencies and revenue districts relating to specified actions concerning the budgets, tax rates, and taxes of the agencies and districts and related matters.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1421 (AB 3266) Margolin Weapons.

Existing law makes it a felony for any person in this state to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or give, lend, or possess certain listed weapons.

This bill would include in that listing any ballistic knife, as defined, thus creating a state-mandated local program by expanding the definition of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1422 (AB 2985) Elder Dangerous weapons.

Existing law specifies that every person who carries upon his person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switchblade knife, as defined, having a blade over 2 inches in length is guilty of a misdemeanor.

This bill would impose a state-mandated local program by also making the possession of a switchblade in the passenger's or driver's area, as defined, of any motor vehicle in

any public place or any place open to the public a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1423 (AB 4028) Condit. Machineguns.

(1) Existing law defines "machinegun," for purposes of the law governing the selling, possession, or transportation thereof, to mean any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and to include any frame or receiver which can only be used with that weapon and the term includes any combination of parts designed and intended for use in converting a weapon into a machinegun.

This bill would revise the definition of the term "machinegun" to include any part which is designed and intended for use in converting a weapon into a machine gun, and it would include any weapon deemed by the federal Bureau of Alcohol, Tobacco, and Firearms to be readily convertible as a machinegun. By expanding the definition of the existing crime, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1424 (AB 2889) Costa Sentences.

Existing law specifies for many public offenses that the term of imprisonment imposed by the trial court be selected from among 3 prescribed terms for that offense. Existing law provides that the prescribed terms for the offense of mayhem is imprisonment in the state prison for 2, 4, or 6 years.

This bill would increase the maximum term for mayhem from 6 to 8 years.

Ch. 1425 (AB 3250) Molina. Sentences.

Existing law imposes a life term in specified felony cases involving the infliction of great bodily injury or use of force likely to produce great bodily injury if the offender has served 2 or more prior prison terms for specified offenses. Existing law designates these offenders as habitual offenders and provides that persons sentenced under these provisions shall not be eligible for release or parole for a period of at least 20 years, as specified, subject only to reduction for good behavior and participation credit. Existing law provides for the repeal of these provisions on January 1, 1987.

This bill would delete the January 1, 1987, repeal date. This bill would include prior prison terms for attempted murder within the specified offenses for which these habitual offender provisions would be applicable. This bill would also make changes with respect to certain sexual offenses to conform the terminology to that of existing law and would expand the category of sexual offenses for which service of prior prison terms would serve as a basis for the imposition of the above life term, as specified.

Ch. 1426 (AB 3822) Leonard. Child molestation.

Existing law provides for an increased prison term for a person convicted of committing lewd or lascivious acts with a child under the age of 14 years if that person has previously been convicted of certain sex crimes, and provides that a person convicted of lewd or lascivious acts with a child under the age of 14 years, who has served 2 or more prison terms for certain sex crimes, is guilty of a felony punishable by imprisonment for 15 years to life.

This bill would provide that a person convicted of lewd or lascivious acts with a child under 14 years of age, if previously convicted 2 or more times for certain sex crimes specified by this bill, is guilty of a felony punishable by imprisonment for 15 years to life, as specified.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch 1427 (AB 2779) Calderon. Victims and witnesses.

(1) Under existing law, various statutes and constitutional provisions enumerate the rights of victims and witnesses to crimes

This bill would set forth certain of those rights. It would also add the additional right of a victim or witness to be notified as soon as feasible that a court proceeding to which he or she has been subpoenaed will not proceed as scheduled, if the prosecuting attorney determines that the witness' appearance is not required, and the right to an expeditious disposition of the criminal action.

The bill additionally would require the rights of victims and witnesses to be set forth in the information and educational materials prepared by the Victims' Legal Resource Center. The bill would also require the center to distribute the materials to local law enforcement agencies and local victims' programs. It would create a state-mandated local program by requiring local law enforcement agencies to make available copies of the materials to victims and families.

(2) Under existing law, upon the request of a victim of a crime, the prosecuting attorney shall, inform the victim by letter of the final disposition of a criminal action.

This bill would grant the same right to be informed of the final disposition of a criminal action to the witness, as defined, of a crime. It would thus create a state-mandated local program by increasing the level of service required of local government under an existing program.

(3) Existing law provides that funds appropriated from the Victim-Witness Assistance Fund shall be made available through the Office of Criminal Justice Planning to any public or private nonprofit agency for the assistance of victims and witnesses which meet certain requirements. Among other things, an agency receiving funds must provide comprehensive services which include certain required primary services and may provide certain optional services. Among these optional services is the service of assistance in obtaining the return of a victim's property.

This bill would make the above optional service a mandatory primary service. The bill would add to the mandatory primary service the duty of notifying the employer of the victim or witness, if so requested, informing the employer of certain matters, thus creating a state-mandated local program. It would also add as an optional service the provision of a waiting area during court proceedings separate from defendants and families and friends of defendants.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 1428 (AB 4208) Peace. Crimes burglary

(1) Existing law provides, with specified exceptions, that robbery is punishable by imprisonment in the state prison for 2, 3, or 5 years. Existing law provides that the robbery of any person who is performing his or her duties as an operator of any motor vehicle, streetcar, or trackless trolley used for the transportation of persons for hire is punishable by imprisonment in the state prison for 3, 4, or 6 years. Existing law provides that every robbery perpetrated in an inhabited dwelling house or trailer coach, as defined, is punishable by imprisonment in the state prison for 3, 4, or 6 years. Other provisions of existing law make the offense of train robbery and certain acts with the intention to commit train robbery a felony.

This bill would repeal and revise the above provisions of existing law to provide that robbery of any person who is performing his or her duties as an operator of any motor vehicle, streetcar, or trackless trolley used for the transportation of persons for hire, and every robbery which is perpetrated in an inhabited dwelling house or trailer coach, as defined, or the inhabited portion of any other building, is robbery of the first degree.

NOTE: Superior numbers appear as a separate section at the end of the digests.

This bill would provide that all other robberies are of the 2nd degree.

This bill would provide that robbery in the 1st degree is punishable by imprisonment in the state prison for 3, 4, or 6 years. This bill would provide that robbery in the 2nd degree is punishable by imprisonment in the state prison for 2, 3, or 5 years. This bill would provide that notwithstanding specified provisions of existing law, attempted robbery is punishable by imprisonment in the state prison.

This bill would make other technical and conforming changes.

(2) This bill ~~would express statements~~ [contains a statement]* of legislative intent relative to ~~the revisions contained in this bill pertaining to~~ [the crime of]* robbery.

Ch. 1429 (AB 4026) Peace. Sentences.

Existing law provides that whenever 2 or more sentence enhancements under specified provisions of current law may be imposed for any single offense, only the greatest enhancement shall apply, subject, however, to the requirement that in cases of robbery, rape or burglary, or attempted robbery, rape or burglary, the court may impose both (1) one enhancement for weapons, and (2) an enhancement for great bodily injury, as prescribed.

This bill would also authorize a court to impose both an enhancement for weapons and an enhancement for great bodily injury in cases involving penetration of a genital or anal opening by a foreign object, oral copulation, and sodomy, and attempted penetration of a genital or anal opening by a foreign object, oral copulation, sodomy, and murder.

Existing law provides that for violations of certain sexual offenses, the number of enhancements which may be imposed shall not be limited, regardless of whether those enhancements are made pursuant to the above provisions or another section of existing law, and requires each of these enhancements to be a full and separately served enhancement.

This bill would revise the listing of the above described sexual offenses by restricting one of the enumerated offenses to the unlawful penetration of the genital or anal openings of another person by a foreign object, substance, instrument, or device when the act is accomplished against the victim's will.

Ch. 1430 (AB 4006) Floyd. Crimes

(1) Under existing law, it is a felony, punishable by imprisonment in the state prison for 2, 3, or 4 years or by imprisonment in the county jail for a term of 6 months to one year, for any person to maliciously and willfully discharge a firearm at certain inhabited and occupied buildings or vehicles. Existing law also makes it a felony, punishable by imprisonment in the state prison for 16 months, 2, or 3 years, to discharge a firearm at any occupied or unoccupied aircraft.

This bill would make the malicious and willful discharge of a firearm at an occupied aircraft punishable to the same extent as the malicious and willful discharge of a firearm at certain inhabited and occupied buildings and vehicles and it would increase the upper term of the punishment for that crime from 4 years to 5 years.

It would continue the provision which makes it a felony to willfully and maliciously discharge a firearm at an unoccupied aircraft and would provide that the discharge of a firearm at an unoccupied motor vehicle is a public offense. The bill would specify that the provision as to motor vehicles does not apply to shooting at an abandoned vehicle or shooting at an unoccupied vehicle with the permission of the vehicle's owner.

(2) Under existing law, it is a misdemeanor for a driver or owner of any motor vehicle to knowingly permit another person to carry or bring a firearm into the vehicle or discharge a firearm from the vehicle in violation of state law. It is also a misdemeanor to shoot at a game bird or mammal from a motor vehicle.

This bill would provide, except as to the offense of shooting at a game bird or mammal, that it is a public offense punishable by imprisonment in the county jail or state prison, as specified, for any person to willfully and maliciously discharge a firearm from a motor vehicle.

The bill would thus create state-mandated local programs by creating new crimes. This bill would provide that the provisions amending Section 246 of the Penal Code shall not become operative if AB 3445 is also chaptered and it also amends Section 246

NOTE: Superior numbers appear as a separate section at the end of the digests

of the Penal Code.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1431 (AB 2295) Killea. Sex offenses.

Existing law requires that a full, separate, and consecutive term shall be served for each violation of specified provisions proscribing sexually related conduct if the crimes involve separate victims or involve the same victim on separate occasions. It also authorizes the imposition of a full, separate, and consecutive term for the commission of any of those same crimes, as an alternative to another specified term, whether or not the crimes were committed during a single transaction, as specified. The former provision has recently been construed by the California Supreme Court as being applicable only to offenses against the same victim between which the perpetrator temporarily lost or abandoned the opportunity to continue his or her attack, as specified.

This bill would require a court, in determining whether crimes against a single victim ~~crimes~~ were committed on separate occasions, to consider whether, between the commission of one sex crime and another, the defendant had a reasonable opportunity to reflect upon his or her actions and nevertheless resumed sexually assaultive behavior. The bill would provide that neither the duration of time between crimes, nor whether or not the defendant lost or abandoned his or her opportunity to attack, shall be, in and of itself, determinative on the issue of whether the crimes in question occurred on separate occasions.

The bill would also set forth a statement of legislative intent.

Ch 1432 (AB 3597) Calderon Evidence.

Existing law prohibits the admission into evidence of evidence of a person's character or trait of his or her character, when offered to prove that person's conduct on a specified occasion. However, the provision does not prohibit the admission of evidence that a person committed a crime, civil wrong, or other act where relevant to prove some fact other than his or her disposition to commit such an act.

This bill would specify that facts provable by the above specified evidence include whether a defendant in a prosecution for an unlawful sexual act or attempted unlawful sexual act did not reasonably and in good faith believe that the victim consented. The bill also would set forth a statement of legislative intent.

Ch 1433 (AB 3445) Hughes. Office of Criminal Justice Planning.

(1) Existing law makes it either a misdemeanor or felony for any person to maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, inhabited housecar, or inhabited camper. A violation of this provision is punishable by imprisonment for up to 2, 3, or 4 years, or if the violation is found to be a misdemeanor, the imprisonment in county jail cannot be less than 6 months.

This bill would increase the term of imprisonment for a felony to 3, 5, or 7 years.

(2) Existing law provides for the monthly transfer of a specified percent of the funds deposited in the Assessment Fund to the Local Public Prosecutors and Public Defenders Training Fund in an amount not to exceed \$750,000 per fiscal year.

This bill would increase that maximum to \$850,000.

(3) Existing law requires the Office of Criminal Justice Planning to, among other things, develop statewide plans for the improvement of criminal justice.

This bill would, until January 1, 1991, require the office to provide special training for prosecutors in the areas of gang violence, vertical prosecution, gang identification, and witness intimidation.

This bill would appropriate \$100,000 from the Local Public Prosecutors and Public Defenders Fund to the office to implement the training program.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 1434 (AB 4062) N Waters. Penal law. victims.

Existing law contains various provisions relating to the training of law enforcement personnel.

This bill would appropriate \$200,000 from the Victim-Witness Assistance Fund to the Office of Criminal Justice Planning for the establishment by the Office of Criminal Justice Planning of a statewide victim-assistance training program for the provision of comprehensive standardized training to victim service providers funded as victim-witness or sexual assault programs, as specified. The bill would also set forth legislative findings and declarations.

Ch. 1435 (AB 3840) Cortese. High-technology theft.

Existing law provides, as specified, for a pilot project in Santa Clara County relative to the prevention of high-technology theft. The project is administered by the Office of Criminal Justice Planning and is to remain operative only until March 1, 1987, and is to be repealed as of January 1, 1988. The existing law also requires the Office of Criminal Justice Planning to report to the Legislature on or before March 1, 1987, regarding the accomplishments of the project, and to include a program evaluation in the report.

This bill will extend the operative date of that project until March 1, 1988, and it would repeal the provisions establishing the project as of January 1, 1989, thus creating a state-mandated local program by increasing the level of services required of certain local officials. The bill also would require the office's report to the Legislature to include certain specific data relating to high-technology crimes; and it would declare that the project be considered having met its objectives if the reporting of the incidences of high-technology crime has increased 20% and arrests and prosecutions have increased 20% from the first year to the second year of the project.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

The bill would appropriate \$145,813 from the General Fund to the Office of Criminal Justice Planning, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1436 (SB 2392) Keene. Crimes: theft: forgery access cards.

Existing law makes it a crime to engage in various acts of theft or forgery involving a credit card, which is defined as any card, plate, coupon book, or other credit device, which exists for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

This bill would revise these provisions to make it a crime to engage in various acts of theft or forgery involving an access, rather than credit, card, which would be defined as any card, plate, code, account number, or other means of account access that can be used, alone or in conjunction with another access card, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds, other than a transfer originated solely by a paper instrument. The bill would make conforming changes.

This bill would also provide that every person who sells, transfers, conveys, or receives an access card with the intent to defraud, or who acquires an access card with the intent to use it fraudulently, is guilty of grand theft and would make it a crime to engage in various acts of theft or forgery involving counterfeit access cards, as defined. Thus this bill would impose a state-mandated local program by either revising existing crimes or creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

NOTE: Superior numbers appear as a separate section at the end of the digests

Ch. 1437 (SB 1012) Doolittle. Computers.

Under existing law, it is a misdemeanor for any person to publish, as defined, the number or code of a credit card, as specified, or the numbering or coding employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful charge.

This bill would expand the scope of this offense to include the publishing of a personal identification number, computer password, access code, debit card number, or bank account number. The bill would also expand the definition of "publishes" to include not only the communication of information to persons orally, in person, by telephone, radio, television, or writing of any kind but also by any communication on a computer network or computer bulletin board.

This bill would incorporate additional changes in Section 484j of the Penal Code, proposed by SB 2392, to be operative only if SB 2392 and this bill are both chaptered and become effective January 1, 1987, and this bill is chaptered last.

The bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1438 (SB 2404) Hart. Victims of crime

Existing law provides that in every case in which a person is convicted of a crime and is granted probation the court is required to order as a condition of probation that he or she make restitution to the victim, if the crime involved a victim, or to the Restitution Fund, if the crime did not involve a victim. Existing law also provides that in any case in which a defendant is convicted of a felony the court is required to order the defendant to pay a restitution fine, which is deposited into the Restitution Fund, as specified.

This bill would provide that in cases in which a victim has suffered economic loss as a result of the defendant's criminal conduct, and the defendant is denied probation, in lieu of imposing all or a portion of the restitution fine, the court is required to order restitution to be paid to the victim, as specified.

Ch. 1439 (SB 2276) Campbell. Crimes: arson terms of imprisonment.

Existing law provides that arson that causes an inhabited structure or inhabited property to burn is a felony punishable by imprisonment in the state prison for 3, 5, or 7 years.

This bill would provide, instead, that this offense is a felony punishable by imprisonment in the state prison for 3, 5, or 8 years.

Ch. 1440 (SB 2020) Davis. Crimes.

Existing law imposes a life term concurrent to any other term in specified felony cases involving infliction of great bodily injury or use of force likely to produce great bodily injury where the person has served 2 or more prior prison terms for specified crimes. Under existing law, the offender is designated as a habitual offender and the person so sentenced is not eligible for release on parole for a period of at least 20 years, as specified, subject only to reduction for good behavior and participation credit. Existing law prohibits consideration of a prior prison term for purposes of determining sentencing under these provisions when the prior prison term was served prior to a period of 10 years in which the person remained free of both prison custody and the commission of an offense which results in a felony conviction. Existing law also provides for the repeal of these provisions on January 1, 1987.

This bill would delete the provision which would repeal the existing provisions on January 1, 1987. It would also provide that any person who is a habitual offender and who has served 3 or more prior separate prison terms shall be punished by imprisonment for life without the possibility of parole. It would continue the requirement that habitual offenders who have served 2 prior separate prison terms be sentenced for life and not be eligible for release on parole for 20 years. This bill would also make changes with respect to certain sexual offenses to conform the terminology to that of existing law and

would expand the category of sexual offenses for which service of prior prison terms would serve as a basis for the imposition of the above life term, as specified

This bill would also incorporate changes in Section 667.7 of the Penal Code proposed by AB 3250 to be operative only if AB 3250 is also enacted and this bill is enacted last.

Ch. 1441 (SB 2323) Davis. Youthful offenders.

Existing law contains various provisions relating to the disposition of minors who have committed crimes.

The bill would appropriate \$300,000 to the Office of Criminal Justice Planning for expenditure in the 1986-87 fiscal year for the establishment of the Serious Habitual Offender Program which would provide grants to counties which establish prescribed programs relating to the identification and prosecution of these offenders, as defined. The bill would require the office to submit a report to the Legislature, on or before March 1, 1988, regarding achievement of program goals, as specified.

Ch. 1442 (SB 1762) Ayala Sentences.

Existing law provides misdemeanor punishment for specified acts relative to threatening a crime victim or witness or other person because he or she provided information to law enforcement.

This bill would provide that any person who commits a misdemeanor violation of specified provisions of existing law relating to the commission of battery, forcible entry and detainer, vandalism, and certain offenses relating to the drawing or possession of deadly weapons and concealable firearms in conjunction with the above misdemeanor offense, is punishable by imprisonment in a county jail for a period of not more than one year or by imprisonment in the state prison

This bill would impose a state-mandated local program by creating new crimes

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1443 (SB 2575) McCorquodale Contractors hazardous substances removal and remedial actions asbestos removal

(1) Existing law prohibits any person from acting as a contractor without a license. The Contractors' State Licensing Law requires a contractor whose operations include asbestos-related work involving 100 square feet or more of asbestos-containing materials to pass an asbestos certification program and prescribes civil and criminal penalties for contractors required to be certified to engage in asbestos-related work who contract without being properly certified.

This bill would prohibit a contractor from engaging in a removal or remedial action concerning a release of a hazardous substance, as specified, except for asbestos-related work, or work related to a hazardous substance spill on a highway on or after May 1, 1988, or September 1, 1988, as specified, without having passed an approved hazardous substance removal certification examination. The Contractors' State License Board, in consultation with the State Department of Health Services, would be required to approve initial and updated hazardous substance removal examinations and determine whether to require an updated certification examination of current certificate holders.

The bill would require the board, in consultation with the department, the Division of Occupational Safety and Health of the Department of Industrial Relations, and an advisory committee, with specified membership, to develop a written test for certification of contractors engaged in hazardous waste substance removal or remedial action by January 1, 1988, or July 1, 1988, as specified.

The board would be authorized to charge a fee of not more than \$50 for each examination application for a removal or remedial action certification and would authorize the board to charge fees for rescheduling an examination for, or otherwise changing, a hazardous substance removal certification or an asbestos removal certification. The bill would revise the criminal penalties imposed upon persons for violations involving asbes-

tos-related work and would also impose these penalties for violations involving removal or remedial actions, thereby imposing a state-mandated local program. Since the fees collected would be deposited in the Contractors' License Fund, which is a continuously appropriated fund, the bill would make an appropriation.

(2) Existing law authorizes the Occupational Safety and Health Standards Board to adopt occupational safety and health standards and orders.

This bill would require the board to adopt a standard concerning removal and remedial actions, as defined, by October 1, 1987. The bill would specify the requirements to be included in the standard concerning certification of employees and supervisors, sampling, and conducting a safety and health conference.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The bill would appropriate \$140,343 from the Contractors' License Fund to the Contractors' State License Board for the purposes of the bill for the 1986-87 fiscal year.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1444 (SB 1794) Beverly. Income taxes: bank and corporation taxes: ridesharing.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, for taxable and income years beginning on or after January 1, 1981, and ending on or before December 31, 1986, a tax credit is allowed for 20% of the cost of certain vehicles provided under an employer-sponsored ridesharing incentive program for employees conducted principally in this state.

This bill would extend the operation of these provisions until January 1, 1991. It would also allow until that date a tax credit under the Personal Income Tax Law for 20% of the cost of certain vehicles which are used in a private 3rd-party ridesharing program.

The Personal Income Tax Law for taxable years 1981 to 1985, inclusive, excluded from gross income compensation or any other benefit, except salary or wages, received by an employee from an employer for the actual costs of participation in various specified ridesharing arrangements in California.

This bill would reinstate that exclusion until January 1, 1991.

The existing Bank and Corporation Tax Law for income years beginning on and after January 1, 1981, and ending on or before December 31, 1986, allows employers to take a business deduction for expenses involved in providing company commuter vans or bus service to employees; for subsidizing employee commuting expenses in third-party vanpools, private commuter buses, or subscription taxipools, and for subsidizing employee purchases of monthly transit passes. A deduction is also allowed for the expenses of providing free or preferential parking to carpools and vanpools, or for offering the cash equivalent of these parking privileges to those employees who do not require parking. It also allows a depreciation deduction over a 36-month period for the employer's cost of making facility improvements, as specified, to encourage ridesharing, bicycling, and walking.

This bill would extend the operation of these provisions until January 1, 1991.

This bill would take effect immediately as a tax levy.

Ch. 1445 (SB 259) Maddy. Crimes: assault by prisoners.

An existing statute states that every person undergoing a life sentence in a state prison within this state who commits certain assaults is punishable by death or life imprisonment without possibility of parole. Case law has construed this statute to require the physical presence of the defendant inside a state prison at the time of the assault in order to find a violation of the statute.

This bill would state that every person while undergoing a life sentence, who is sentenced to state prison within this state, rather than in a state prison in this state, and who commits the specified assault shall be subject to the above-prescribed punishment.

NOTE: Superior numbers appear as a separate section at the end of the digests.

Ch. 1446 (SB 1246) Presley. Sentencing.

(1) Existing law provides for determinate sentencing. Under the existing law, an offender once sentenced to prison can reduce his or her sentence by work time or good behavior credits.

This bill would increase the amount of time of work time or good behavior credits which can be denied or lost to a prisoner because of the prisoner's commission of certain acts of misconduct. This bill would also make a person who is confined in a secure housing unit, and who has committed certain acts of misconduct in which great bodily injury is inflicted upon a nonprisoner, ineligible to receive participation or worktime credit for a period not to exceed the number of days of credit which have been lost for such acts of misconduct, or for the period that the prisoner is confined in a secure housing unit, whichever is less.

(2) Under existing law, no credits may be restored to a prisoner if the credits were forfeited for a serious disciplinary infraction in which the victim died or was permanently disabled.

This bill would authorize the Department of Corrections to limit the restoration of credits where the forfeiture was for certain acts of misconduct or conspiracy to commit those acts.

(3) Existing statutes refer to persons appointed to the Board of Prison Terms as members and to the board's deputies as representatives.

This bill would delete references to members and instead refer to commissioners and would delete reference to representatives and instead refer to deputy commissioners.

Ch. 1447 (SB 2170) Roberti. Nomination documents.

Existing law requires a candidate to file nomination documents consisting of a declaration of candidacy and nomination papers not less than 88 and not more than 113 days prior to the primary election. It prohibits a candidate from removing a declaration of candidacy from the office of the county clerk, and requires the county clerk to require all candidates filing a declaration of candidacy to execute the declaration in the office of the county clerk, except as specified.

This bill would provide that, notwithstanding this provision, upon request of a candidate the county clerk shall provide the candidate with declaration of candidacy and nomination papers and shall not require a candidate to sign, file, or sign and file a declaration of candidacy as a condition of receiving nomination papers.

Existing law requires each candidate for a party nomination for State Senate or Assembly at the direct primary to file a declaration of intention to become a candidate for party nomination for that office prior to filing nomination papers. It prohibits the printing on any ballot the name of any candidate for State Senate or Assembly unless the declaration of intention has been filed.

This bill would impose a state-mandated local program by making these provisions applicable to any candidate for a party nomination for any state constitutional office.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1448 (SB 2413) Boatwright. Air pollution: motor vehicle fuel.

Existing law requires the State Air Resources Board to establish, by regulation, specified maximum standards for the volatility of gasoline sold in California at 9 pounds per square inch Reid vapor pressure, except that any blend of gasoline consisting of at least 10% ethyl alcohol is exempt from the regulations until January 1, 1987, if the gasoline used in the blend meets the 9 pounds per square inch Reid vapor pressure standard.

This bill would extend, until January 1, 1990, the termination date for the exemption, thereby exempting for 3 years a blend of gasoline consisting of at least 10% ethyl alcohol

from the above volatility standard if the gasoline used in the blend meets the vapor pressure standard.

Ch. 1449 (AB 4325) N. Waters. Surface impoundments: reports.

The Toxic Pits Cleanup Act of 1984 requires a person discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment to file with the appropriate California regional water quality control board a hydrogeological assessment report, when notified by the regional board, except as specified. The State Water Resources Control Board is required to adopt a fee schedule by emergency regulation which assesses fees upon persons discharging these wastes into a surface impoundment.

This bill would exempt, from the fee and report requirements, pest control operators and businesses and certain local government vector control agencies which discharge economic poisons into a surface impoundment which has been closed or will be closed by January 1, 1988, in accordance with specified regulations and which has only been used for the discharge of specified economic poisons, if an application for exemption and a \$3,000 filing fee is submitted to the regional board by February 1, 1987, an initial hydrogeological site assessment report, as specified, is submitted to the regional board on or before July 1, 1987, and the regional board does not determine, after an analysis of the report, that a hazardous waste constituent has polluted or threatens to pollute water, as specified. The bill would provide for a final adjustment of fees, as specified, after the regional board has completed an analysis of the hydrogeological site assessment report submitted with the application within one year after submittal.

Ch. 1450 (AB 3738) Bates. Child care and development.

The Child Care and Development Services Act establishes various eligibility and priority requirements for federal and state subsidized child development services. There is no express authorization for eligibility of a family that is homeless.

This bill would expressly authorize eligibility of a homeless family for child care and development services, as defined.

This bill would declare that the foregoing authorization does not constitute a change in, but is declaratory of, existing law.

Existing law establishes and regulates a variety of programs under the Child Care and Development Services Act administered by the State Department of Education.

This bill would revise, delete, and add definitions of terms under the act and would increase the number of child care and development programs subject to the act.

Ch. 1451 (SB 2572) Marks. Asbestos. removal and disposal

(1) The Contractors' State Licensing Law requires a contractor whose operations include asbestos-related work involving 100 square feet or more of asbestos-containing materials to pass an asbestos certification program and prescribes civil and criminal penalties for contractors required to be certified to engage in asbestos-related work who contract without being properly certified.

This bill would delete the civil penalties and make it subject to prescribed criminal penalties for an owner of a commercial or industrial building or structure, employer, contractor, public agency, or any employee thereof, to contract with another person to perform or engage in asbestos-related work, as defined, without certification, thus imposing a state-mandated local program.

(2) Existing law permits school districts and county offices of education to apply to the State Allocation Board for funds from the Asbestos Abatement Fund for the purposes of containment or removal of asbestos materials which pose a health hazard. Determination of the need for abatement and eligibility for funding is made on the basis of air monitoring in accordance with specified procedures.

This bill would exempt certain approved school reconstruction and rehabilitation projects.

(3) Existing law requires registration with the Division of Occupational Safety and Health for specified asbestos-related work, and imposes other requirements on employers engaging in specified asbestos-related work, and prescribes civil and criminal penal-

ties for violating those requirements

This bill would delete the civil penalties, and would redefine what constitutes asbestos-related work.

(4) Existing law prescribes certain penalties for the owner of a commercial or industrial building or structure, an employer, or the chief executive officer or agent of a public agency to contract for or begin asbestos-related work without making a good faith effort to determine if asbestos-containing material is present.

This bill would exclude the chief executive officer of a public agency from that prohibition, would make that prohibition applicable to any failure to determine the presence of asbestos-containing material, rather than the failure to make a good faith effort to make such a determination, but a reasonable effort would suffice; and would revise the prescribed penalties, thereby imposing a state-mandated local program.

(5) Existing law requires the adoption by each county of a solid waste management plan, and requires periodic revision of those plans, as specified.

This bill would impose a state-mandated local program by requiring that the next revision of a plan occurring on or after January 1, 1987, indicate the amount of asbestos waste generated in the county from asbestos removal projects and the sites or potential sites which have been designated to accept that waste

(6) Existing law requires the Occupational Safety and Health Standards Board, by January 1, 1987, to adopt regulations, as specified, concerning asbestos-related work.

This bill would revise the required scope of those regulations

(7) Existing law generally prohibits the disposal of hazardous wastes at landfill disposal sites.

This bill would permit waste containing asbestos to be disposed of at a landfill disposal site which meets specified requirements.

(8) The bill would make other related changes.

(9) The bill would incorporate changes made by SB 2575 to Section 7028.1 of the Business and Professions Code if both bills are enacted and this bill is enacted last, and would incorporate changes made by AB 1809 to Section 66780.5 of the Government Code if both bills are enacted and this bill is enacted last.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for specified reasons.

(11) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1452 (AB 2848) Elder Cosmetology

(1) Existing law specifies the qualifications for admission to the examination for a certificate of registration and license as a cosmetology instructor.

This bill would revise those qualifications and would require the Board of Cosmetology to admit to the examination for a certificate and license as a cosmetology instructor, every person meeting those qualifications who makes an application to the board and who has paid the required fee. This bill would require each licensed cosmetology instructor to complete 30 clock hours of continuing education in the teaching of vocational education during each 2-year licensing period, except as specified.

Existing law does not require cosmetology instructors to complete any continuing education requirements as a condition for the renewal of their license.

This bill would require the Board of Cosmetology to require cosmetology instructors to complete specified continuing education requirements as a condition for the renewal of their license in accordance with standards adopted by the board.

Ch. 1453 (AB 1276) Campbell Air pollution penalties

(1) Under existing law, any person who violates any statutory provision relating to nonvehicular air pollution control or any order, rule, or regulation of the State Air Resources Board or of an air pollution control district or air quality management district relating to nonvehicular air pollution control is guilty of a misdemeanor and subject to a fine not to exceed \$1,000, or imprisonment in the county jail for not more than 6

months, or both, for each violation

This bill would provide a fine of not more than \$10,000 or imprisonment in the county jail for not more than 9 months, or both, for certain types of violations. The bill would make specified violations pertaining to emission regulations or limitations and falsification of documents subject to a fine of not more than \$25,000 or imprisonment in the county jail for not more than one year, or both.

(2) Under existing law, any person who intentionally or negligently violates specified orders of abatement issued by a district, a district hearing board, or the state board is liable for a civil penalty not to exceed \$6,000 for each day in which the violation occurs.

This bill would increase the maximum amount of the civil penalty to not more than \$25,000 for each day in which the violation occurs.

(3) Under existing law, any person who violates specified statutory provisions relating to the discharge of air contaminants, who violates specified orders of the Great Basin Air Pollution Control District, or who violates any rule or regulation of a district or the state board relating to nonvehicular air pollution control is liable for a civil penalty not to exceed \$1,000 for each day in which the violation occurs.

This bill would impose a civil penalty of not more than \$10,000 per day for specified nonvehicular air contaminant violations and a civil penalty of not more than \$25,000 per day for specified violations pertaining to emission regulations or limitations and falsification of documents, and would provide for the assessment, recovery, and apportionment of these civil penalties, as specified.

The bill would require a state or local agency providing assistance to the state board or a district in recovery of civil penalties to be reimbursed for the costs thereof, as specified.

The bill would preclude prosecution under any of the above provisions if civil penalties are recovered under other provisions of law for the same offense and the filing of a criminal complaint would be grounds for dismissal of a civil action for the same offense. The bill would define "corrective action" and "actual injury" for specified purposes.

(4) Since the bill would create new crimes, it would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 1454 (SB 738) Royce Child support collections.

Existing law contains authority for imposing child support obligations upon a noncustodial parent and for the enforcement of those obligations.

Existing law provides that counties shall collect child support owing by noncustodial parents to custodial parents who are recipients under the Aid to Families with Dependent Children program, with the funds being used, to the extent necessary, for reimbursement for aid payments. Existing law further provides that a percentage of the funds collected by counties shall be returned to the counties in the form of incentive payments, utilizing both state and federal funds.

Existing law also specifies that all incentive payments distributed on or after October 1, 1982, regardless of the date upon which the county collected the child support payments, are any qualifying federal incentive funds plus a state incentive of 7.5%, and contains similar provisions for payments made to other states collecting child support on behalf of custodial parents in this state.

This bill would delete incentive payments made to other states collecting child support on behalf of custodial parents in this state, would revise the method of determining the state incentive for support collections, and would, by increasing the state incentive, increase a continuously appropriated fund, thereby resulting in an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1455 (SB 1577) Lockyer. Unemployment compensation disability insurance. benefits

NOTE: Superior numbers appear as a separate section at the end of the digests

Under existing law, the maximum amount of unemployment disability benefits payable to an individual during any one disability benefit period shall be 52 times his or her weekly benefit amount, but in no case more than the total wages paid to the individual during his or her disability base period, for periods of disability commencing prior to January 1, 1987. For periods of disability commencing on or after January 1, 1987, the maximum amount of benefits payable to an individual during any one disability benefit period shall be 39 times his or her weekly benefit amount, but in no case more than 75% of the total wages paid to the individual during his or her disability base period.

This bill would extend the operation of the provision providing maximum disability benefits of 52 times the weekly benefit amount up to the total wages paid during the disability base period from January 1, 1987, to January 1, 1990, and would delay the operation of the provision providing maximum disability benefits of 39 times the weekly benefit amount up to 75% of the total wages paid during the disability base period from January 1, 1987, to January 1, 1990.

This bill would become operative only if SB 1633 of the 1985-86 Regular Session of the Legislature is chaptered.

Ch. 1456 (SB 1799) Watson. Child care and development programs.

Existing law establishes and regulates a variety of programs under the Child Care and Development Services Act administered by the State Department of Education.

This bill would revise, delete, and add definitions of terms under the act and would increase the number of child care and development programs subject to the act.

Existing law requires the Superintendent of Public Instruction to implement a plan to establish reasonable standards and reimbursement rates for actual costs associated with these programs.

This bill would provide that reimbursement shall not exceed actual program costs which are reasonable and necessary and which are within the maximum reimbursable amount, and would require that parent fees be used for reasonable and necessary costs for providing additional services.

This bill would incorporate changes made in Section 8208 of the Education Code to be operative only if this bill and AB 3738 are both enacted and become operative on January 1, 1987, both bills amend Section 8208 and this bill is enacted after AB 3738.

Ch. 1457 (AB 2890) Hannigan. Taxation.

Under existing property tax law, property which changes ownership and property which is newly constructed after the lien date is assessed on the date the change in ownership occurs or the new construction is complete and is subject to a supplemental assessment.

Existing property tax law regarding this supplemental assessment of property provides for the method of allocating and collecting supplemental taxes whenever there is an initial change in ownership or completion of new construction followed by a subsequent change in ownership prior to the supplemental tax billing for the initial change in ownership or completion of new construction.

This bill would permit each county to elect to adopt a specified revision in that method of allocation and collection.

Under existing property tax law, each county board of supervisors is permitted to exempt from general property taxes real and personal property with a full value, not to exceed a specified limit, which is so low that, if not exempt, the total taxes, special assessments, and applicable subventions on the property would amount to less than the cost of assessing and collecting them.

This bill would permit a county board of supervisors, by ordinance, to provide for the cancellation of any supplemental tax bill where the amount of taxes, not to exceed \$20, is less than the cost of administration.

Under existing provisions of property tax law, counties were permitted, for the 1983-84 and 1984-85 fiscal years, to allocate to themselves an amount not to exceed 5% of the additional revenues generated by supplemental assessments for purposes of administration of the supplemental assessment roll.

This bill would permit each eligible county, as defined, upon the adoption of a method

identifying the actual administrative costs associated with the supplemental assessment roll, to allocate to itself an amount equal to those costs, but not to exceed 5% of the increased revenues from supplemental assessments. This bill would provide that county eligibility under these provisions shall be established by certification of the State Board of Equalization based upon the county's average level of assessment in relation to the assessment level required by statute.

This bill would appropriate \$222,000 to the State Board of Equalization for implementation of this certification process

Existing statutory law precludes the levy of a property tax rate by local jurisdictions for the payment of bonded indebtedness unless the indebtedness was approved by the voters prior to July 1, 1978.

This bill would extend the authority of local jurisdictions to levy a property tax rate to levies for the payment of bonded indebtedness for the acquisition or improvement of real property which are approved by a $\frac{2}{3}$ vote of their voters after June 4, 1986, in order to conform to a similar authorization in the California Constitution which was approved by the voters at the June 4, 1986, statewide primary election.

Under existing property tax laws, in order to be eligible for the "welfare exemption" an organization, nonprofit corporation, or volunteer fire department is required to qualify as an exempt organization under specified provisions of the Bank and Corporation Tax Law or the Internal Revenue Code.

This bill would provide that for purposes of those laws an organization, nonprofit corporation, or volunteer fire department shall not be deemed to be qualified as an exempt organization unless the organization files with the assessor duplicate copies of a valid, unrevoked letter or ruling from either the Franchise Tax Board or, in the alternative, the Internal Revenue Service, which states that the organization qualifies as an exempt organization under the appropriate provisions of the Bank and Corporation Tax Law or the Internal Revenue Code

Existing property tax law requires the assessor to disclose information, furnish abstracts, or permit access to his or her records to designated state and local officials, entities, and agencies in prescribed circumstances

This bill would impose a state-mandated local program by requiring the assessor to provide information, abstracts, or access to records to staff appraisers of the Department of General Services. It would require the department to reimburse the assessor for any costs as a result of complying with this requirement.

Existing property tax law requires the assessment of unitary property, as defined, by the State Board of Equalization and requires the board to transmit to each county auditor an assessment roll showing the assessments made by the board in the county and in each city and revenue district in the county. Property tax revenue attributable to the roll are allocated to local entities upon the basis of the board's allocation of the assessments to these local entities.

This bill would establish a new formula for the allocation among local entities of assessed value attributable to unitary and operating nonunitary property, and would make related changes regarding assessment estimates and assessment rolls.

Existing property tax law requires state-assessed property to be assessed by the State Board of Equalization at its full value on March 1 of each year.

This bill would change the lien date for state-assessed property to January 1, and would make additional conforming changes in the dates for the performance of various duties by the board and state assesseses relating to state-assessed property

Existing property tax law requires the county board of equalization to equalize the assessment of property on the local roll and to hear petitions for a reduction in an assessment and a proportionate reduction or refund of the taxes extended thereon.

This bill would impose a state-mandated local program by requiring the county board to hear applications for a reduction in an assessment in cases in which the issue is whether or not property has undergone a change in ownership or has been newly constructed.

This bill would require the State Board of Equalization, commencing with the 1987-88 fiscal year and annually thereafter, to determine in a prescribed manner the statewide

and county-by-county ratio of assessed value to fair market value of locally assessed commercial and industrial real property in the state and to publish these ratios.

Under existing property tax law, for fiscal years 1972-73 through 1981-82, the so-called welfare exemption from property taxation includes property used exclusively for the preservation of native plants or animals, or biotic communities, or geological or geographical formations of scientific or educational interest, or open-space lands used solely for recreation and for the enjoyment of scenic beauty, and which property is open to the general public subject to reasonable restrictions concerning the needs of the land and is owned and operated by a scientific or charitable fund, foundation, or corporation, the primary interest of which is to preserve such natural areas. For fiscal years 1983-84 through 1987-88, this exemption does not apply to either of the following: (1) property of a certain acreage owned by a nonprofit organization which is not fully independent of the owner of taxable real property adjacent to property otherwise qualifying for exemption as provided above, and (2) property reserved for future development.

This bill would extend the application of these restrictions on the above exemption through the 1992-93 fiscal year.

Existing Personal Income Tax Law provides for a refundable credit against the taxes imposed by that law for qualified renters.

This bill would prohibit the allowance of this credit in any taxable year for the rental of land upon which a mobilehome is located if the mobilehome has been granted a homeowners' exemption in that year. This bill would specify that this prohibition is declaratory of existing law.

Existing Bank and Corporation Tax Law provides that the franchise tax imposed on banks and financial corporations is in lieu of all but specifically enumerated other taxes, including real property taxes.

This bill would provide that for property tax law purposes the lessee of tangible personal property owned by a bank or financial corporation shall be conclusively presumed the owner of that property.

This bill would specify that its provisions relating to the "welfare exemption" are operative for exemption claims filed for the 1987-88 fiscal year and fiscal years thereafter.

This bill would make a property tax classification or exemption within the meaning of Section 2229 of the Revenue and Taxation Code.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1458 (AB 1931) Elder PERS: public retirement systems

(1) Existing statutes prescribe various limitations upon postretirement public employment of retired members of various state retirement systems.

This bill would authorize a retired member of a state retirement system, as specified, to serve on a public board or commission or any committee thereof, as specified, and to receive therefor per diem compensation and necessary traveling expenses, without loss or interruption of retirement benefits, so long as the service does not exceed a total of 50 meeting days.

(2) The existing Public Employees' Retirement Law (PERL) presently prescribes various retirement formulas and benefits, contribution rates, and minimum retirement ages for the various membership categories of the retirement system.

This bill would require the Board of Administration, in consultation with contracting agencies, representatives of employee organizations of contracting agencies, and appropriate legislative staff members, to investigate the feasibility of developing an additional alternative return of contributions benefit plan.

(3) The existing PERL establishes for current active state miscellaneous and industrial members, as specified, an alternative, optional retirement plan, designated Two Tier.

This bill would, until January 1, 1989, also authorize state miscellaneous and industrial

members with at least 10 years of service credit who permanently separated from state service prior to July 1, 1985, to irrevocably elect at any time prior to retirement to participate in Two Tier.

(4) Existing provisions of PERL authorize PERS and public agencies to enter into agreements for reciprocity of retirement benefits.

This bill would require specified reciprocity agreement provisions to also apply to members who terminated state employment and became an employee of a fire district within 6 months of the termination and who were employees of the district when the district became subject to the county retirement system, as specified. The resulting cost increase of fire districts would constitute state-reimbursable state-mandated local program costs.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1459 (AB 3535) Wright Health facilities congregate living health care facility.

(1) Under existing law, the State Department of Health Services licenses and regulates health facilities, as defined. Existing law requires the department to adopt regulations concerning various aspects of health facilities, including bed classifications. One bed classification, under existing law, is general acute care rehabilitation and another is intermediate care facility/developmentally disabled-nursing, which have a capacity of 4 to 6 beds. Existing law provides that any person who violates the above-described laws or regulations adopted pursuant thereto, as specified, is guilty of a misdemeanor.

This bill would change the bed capacity of intermediate care facilities/developmentally disabled-nursing from 4 to 6 to 4 to 15 and would add one new health facility licensure classification, congregate living health facility, as defined. It would require the department to adopt regulations for this new licensure classification, as specified, which would include license fee authority. It would require the department to establish an expert advisory committee, within the department, to assist in the development of the regulations. Certain violations of the regulations would be a misdemeanor. The creation of a new crime would impose a state-mandated local program.

This bill would delete the general acute care rehabilitation bed classification.

(2) Existing law pertaining to the health facility classifications of intermediate care facility/developmentally disabled habilitative and intermediate care facility/developmentally disabled-nursing sets forth standards for fire safety, seismic safety, and local land use and building standard regulations for these facilities.

This bill would add congregate living health facilities to these provisions. A violation of the fire safety or seismic safety requirement would be a misdemeanor and thus a state-mandated local program would be imposed.

(3) This bill would incorporate the changes to Section 1250 of the Health and Safety Code proposed by SB 1953, which will become effective only if SB 1953 is enacted and this bill is chaptered last.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1460 (SB 1478) Doolittle Marriage

(1) Existing law requires the State Department of Health Services to prepare and publish a brochure which indicates the possibilities of genetic defects and diseases and

a listing of centers available for the testing and treatment of these defects and diseases. Existing law requires the department to make these brochures available to county clerks for distribution to all applicants for a marriage license.

This bill would require the department to also include in these brochures information concerning acquired immune deficiency syndrome (AIDS) informing persons of the availability of testing for antibodies to the probable causative agent of AIDS. This bill would require county clerks to make these brochures available to all applicants for a marriage license, including applicants for a confidential marriage license pursuant to specified provisions of existing law. This bill would require each notary public authorizing confidential marriages to distribute a copy of the brochure to applicants for a confidential marriage license. The bill would impose a state-mandated local program by requiring county clerks to perform new duties.

(2) Under existing law, all persons to be joined in marriage must first obtain a license. A confidential marriage license may be issued to qualifying persons. The forms of these licenses are prescribed by specific state agencies.

This bill would require these forms to contain an affidavit on the back to be signed by husband and wife affirming they have received the brochure described above prepared and published by the State Department of Health Services.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1461 (SB 2192) Rosenthal Schools AIDS information

Under existing law, there are various safety and health programs for students and teachers.

This bill, in addition, would impose a state-mandated local program by requiring school districts to inform their employees annually or if there is new information, more frequently, of the information relating to AIDS or AIDS-related conditions compiled by the State Department of Education, including appropriate methods school employees may employ to prevent exposure to AIDS. This bill would permit this information to be included as an insert with other regular mailings, to the extent practicable.

This bill would require the State Department of Education to compile and update annually, or if there is new information, more frequently, information on AIDS and AIDS-related conditions in conjunction with the State Department of Health Services and in consultation with the California Conference of Local Health Officers and to provide it to the school districts.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1462 (AB 2404) Filante AIDS Vaccine Research and Development Grant Program.

Under existing law, there is no AIDS Vaccine Research and Development Grant Program.

This bill would establish this program within the State Department of Health Services. It would create an AIDS Vaccine Research and Development Advisory Committee composed of 5 members, as specified, which would make recommendations to the department respecting the award of the research and development grants, as specified,

to no more than 3 California manufacturers, as defined. It would require certain grant recipients to repay the grant and then pay royalties, as specified.

This bill would also establish a fund administered by the department for purposes of its provisions. It would appropriate up to \$4,000,000 from this fund, as specified. It would require certain repayments to be deposited in the fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1463 (AB 4250) Vasconcellos. AIDS vaccine.

Existing statutory law does not limit the liability of a manufacturer of an AIDS vaccine. However, case law has held that if a vaccine is unavoidably dangerous, strict liability in tort may not be based upon an alleged design defect if certain conditions exist.

This bill would provide that a manufacturer of an FDA-approved AIDS vaccine sold, delivered, administered, or dispensed in California is liable for all proximately or legally caused damages by that vaccine, except the manufacturer shall not be liable in strict products liability for any damages proximately or legally caused by any design or warning defect of the vaccine or for breach of implied warranty if the trial judge determines that the vaccine is unavoidably dangerous, as specified.

This bill would create an AIDS Vaccine Victims Compensation Fund. It would provide payment by the fund, contingent upon certain existing resources for certain injuries and costs caused by an AIDS vaccine, as specified. It would provide that the AIDS Vaccine Victims Compensation Fund shall be funded by a surcharge on the sale of an FDA-approved AIDS vaccine, as specified. It would create an AIDS Vaccine Injury Compensation Policy Review Task Force composed of 14 members for purposes of making specified recommendations concerning this fund and for purposes of recommending the appropriate amount of the surcharge. It would create an AIDS Vaccine Guaranteed Purchase Fund the funds in which, if appropriated, as specified would be used by the State Department of Health Services for the purposes of purchasing in certain instances AIDS vaccine, as specified.

This bill would appropriate \$6,050,000 from the General Fund. It would appropriate \$3,000,000 in fiscal year 1986-87 and \$3,000,000 in fiscal year 1987-88 for purposes of subsidizing specified clinical trials with humans pursuant to a federal Food and Drug Administration protocol, to be allocated by the State Department of Health Services, as specified. It would appropriate \$50,000 to be expended, as specified, for the task force it would create.

It would make various findings and declarations, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1464 (AB 3323) M. Waters. Medi-Cal drug formulary.

Existing law provides that prescribed drugs used under the Medi-Cal program shall be limited to those placed upon the Medi-Cal drug formulary by the State Director of Health Services.

Existing law further provides that the Medical Therapeutics and Drug Advisory Committee shall meet every 4 months to review placement of drugs on the Medi-Cal drug formulary, with review being required by the committee prior to its addition to the formulary within specified time limits.

This bill would specify that drugs approved by the United States Food and Drug Administration for the treatment of acquired immune deficiency syndrome (AIDS) or an AIDS-related condition shall be deemed approved for placement on the Medi-Cal drug formulary, would require the immediate addition of those drugs to the Medi-Cal formulary only for the purpose of treating AIDS or an AIDS-related condition, and would further provide for removal of the drug from the formulary if, in the regular approval process, it is determined that the drug should not be placed on the formulary.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1465 (AB 3409) Hayden. Community colleges.¹⁸

Existing law provides for the financing of community colleges.

This bill would make certain legislative findings regarding the community college system, and specifically regarding the recommendation by the Commission for the

¹⁸NOTE: Superior numbers appear as a separate section at the end of the digests.

Review of the Master Plan for Higher Education that the system of financing community colleges be restructured.

This bill would establish 2 short-term task forces, to be appointed by the Board of Governors of the California Community Colleges and convened and staffed by the office of the Chancellor of the California Community Colleges to provide the Governor and the Legislature with policy implementation proposals, as specified.

This bill would require that the chancellor convene a short-term task force on community college financing, as specified, for the purpose of developing recommendations regarding the enactment of a new state support allocation system for community colleges, as specified.

This bill would require the chancellor to submit the report of the task force to the Governor and Legislature, as specified, by May 1, 1987, and would require the task force to serve as liaison to the Joint Committee for the Review of the Master Plan for Higher Education, as specified.

This bill would require the chancellor to convene a task force on faculty and administrator qualifications, per review, hiring, and retention, as specified, to be composed of 11 members, as specified.

This bill would require the task force to submit its preliminary proposals to the Legislature by March 15, 1987, and to serve as liaison, as specified.

This bill would require the chancellor to conduct a study on developing and implementing a statewide program of education accountability, as specified.

This bill would require the chancellor to report regarding this study to the Governor and Legislature no later than June 1, 1987.

This bill would authorize the chancellor to contract for services to perform work associated with this bill, and would require that the chancellor submit an expenditure plan for approval to the Department of Finance, as specified.

This bill would appropriate \$525,000 to the chancellor in augmentation of the budget for the necessary expenses associated with the bill.

This bill would require the work of the task forces to be complete by September 30, 1987, and provide that the bill shall become inoperative on October 1, 1987.

Ch. 1466 (SB 1796) Ellis. Water supply reservoirs ¹⁹

(1) Under existing law, bodily contact with water is not permitted in a reservoir in which water is stored for domestic use.

This bill would permit bodily contact with water in a reservoir in San Diego County in which water is stored for domestic use, if the water subsequently receives complete water treatment and if the reservoir is operated in compliance with regulations of the State Department of Health Services.

(2) Under existing law, all water supply reservoirs are required to be open for recreational use by the people of the state, subject to the regulations of the department.

This bill would provide that recreational use in San Diego County may be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir, if the conditions and restrictions do not conflict with the regulations of the department and are designed to further protect or enhance the public health and safety.

(3) The bill would appropriate \$53,000 to the Department of Water Resources for a grant to the San Diego Regional Water Reclamation Agency in order to study the removal of selenate from irrigation drain water, subject to a specified determination.

Ch. 1467 (AB 3) Campbell. Community colleges matriculation. ²⁰

Existing law contains no provisions relating to student matriculation programs at community colleges.

This bill would require the Chancellor of the California Community Colleges to fully implement specified matriculation services in the community colleges, and would define the term "matriculation" for these purposes. This bill would require the chancellor to report to the Legislature by March 15, 1989, regarding the effectiveness of these programs and to make recommendations as to the continuation of matriculation programs at community colleges. This bill would require the chancellor to report to the Legislature by March 15 of each year thereafter regarding the implementation of these

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programs.

This bill would require, that, no later than January 1, 1986, the chancellor appoint an advisory committee to assist in the development of the evaluation.

The bill would also require the chancellor to submit a report to the Legislature on or before April 1, 1988, evaluating the comparative utility of the matriculation process services to students with differing educational objectives.

This bill would make these provisions operative in the 1986-87 fiscal year and each fiscal year thereafter only if funds are specifically appropriated for this purpose.

This bill would appropriate \$21,000,000 to the Board of Governors of the California Community Colleges for the matriculation services implemented pursuant to the bill, and would provide a legislative declaration that the funds appropriated by this bill for matriculation purposes are for half year costs in the 1986-87 fiscal year. This bill also would appropriate \$34,196,000 to augment a specified item in the 1986 Budget Act for community colleges with declining average daily attendance.

Ch. 1468 (SB 1745) Bergeson. Water quality: New River and Alamo River. ²¹

(1) Existing law authorizes a California regional water quality control board to clean up and abate a condition of pollution or nuisance in the waters of the state.

This bill would appropriate \$500,000 from the General Fund to the State Water Resources Control Board for allocation to the California Regional Water Quality Control Board (Colorado River Basin Region) to prepare a workplan for abating the pollution levels in the New River and the Alamo River. The bill would require the workplan to be completed in two phases, as prescribed. The regional board would be required to complete phase I by January 1, 1988, and phase II by January 1, 1989.

(2) The bill would also appropriate \$300,000 from the General Fund to the International Border Pollution Control Authority for purposes of funding all necessary startup costs.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1469 (SB 186) Garamendi. Water quality: research. ²²

Under existing law, various provisions are designed to protect or improve the quality of drinking water.

This bill would request the University of California, with the approval of the regents, to establish a Water Quality Task Force to develop a research agenda to identify cost-effective methods for providing clean and safe drinking water. The university would be directed, with the approval of the regents, to provide the Legislature and the Governor with the agenda by April 15, 1987.

The bill would make legislative findings and declarations.

The bill would appropriate \$40,000 from the General Fund to the university for purposes of the bill.

Ch. 1470 (SB 1920) Ayala. Seismic disaster preparedness. ²³

Existing law requires the Seismic Safety Commission to prepare and administer an earthquake hazard reduction program to significantly reduce the earthquake threat to the state.

This bill would authorize each city, county, and other local subdivision of the state to prepare specified plans and ordinances facilitating the expeditious and orderly recovery and reconstruction of the area under its jurisdiction in the event of a disaster. The plans and ordinances could include the authority and proposed organization for establishment of a local reconstruction authority with powers parallel to those of a community redevelopment agency.

The bill would also require the Seismic Safety Commission to enter into a grant agreement with San Bernardino County for development of a model plan to provide authority and procedures for orderly transition from emergency disaster response operations to short-and long-range efforts toward reestablishment of government services, private business activity, and reconstruction and rehabilitation. The bill would appropriate \$150,000 from the General Fund to the commission for purposes of making this grant.

The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1471 (SB 2124) Vuich. Export financing.²⁴

Existing law provides for the California Export Finance Program Law which includes the California Export Finance Board and the California Export Finance Office, both of which have specified duties and responsibilities relating to the export of California goods, services, and agricultural commodities.

This bill would require the California Export Finance Office to comply with provisions of the Bagley-Keene Open Meeting Act and the California Public Records Act except under specified circumstances.

Existing law provides that the California Export Finance Board shall consist of 7 members, including one member to be appointed by the California State World Trade Commission. This member is required to be drawn from the commission's membership or that of its advisory council.

This bill would delete the requirement that the appointee of the California State World Trade Commission must be drawn from its membership or that of its advisory council.

Existing law requires the California Export Finance Board, among other things, to approve any and all extensions of insurance, coinsurances, or loan guarantees under the Export Finance Program Law. The board may elect to delegate these responsibilities to a committee, as specified.

This bill, in addition, would provide that in order to expedite the functions of the California Export Law, when a loan does not exceed \$100,000, the board may elect to delegate this approval authority to an office loan committee. All approvals made by the committee shall be reported to, and shall be reviewed by, the board at the next regular board meeting.

Existing law includes the Export Finance Fund for the purpose of receiving specified moneys to implement the law.

This bill would expand the purposes of the Export Finance Fund to include the purpose of receiving other specified moneys to implement the existing law.

In addition, the bill would provide that payment of moneys in the fund shall include the payment of claims pursuant to loan guarantee and insurance programs, payments for reinsurance, and payments required by the state, federal, or private export programs conducted by the board.

The bill would provide that the office may charge fees for its loan guarantees, insurance, and other services, the amounts of which shall be determined by the board.

The bill also would appropriate \$1,000,000 from the General Fund to the Export Finance Fund for purposes of implementing the program.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1472 (AB 2912) Bates. Mental health.²⁵

Existing law requires that money or proceeds from a sale of property seized and forfeited in controlled substances cases be distributed by a state or local governmental entity to certain state or local agencies in a specified manner.

Under existing law after reimbursement to an innocent purchaser and for expenses in connection with the sale of the property, local governmental entities or the state are reimbursed, as specified, for those enforcement and prosecutorial proceedings. The reimbursement funds are required to be used for investigation, detection, and prosecution of criminal activities. The remainder of those funds are equally divided and deposited in the Mental Health Primary Prevention Fund, and the Narcotic Assistance and Relinquishment by Criminal Offenders Fund, as specified.

This bill would, after reimbursement to the purchaser and for expenses of the sale, reimburse, by a specified percentage, local or state law enforcement for the seizure, the prosecutorial agency for the forfeiture action, the Mental Health Primary Prevention Fund, and certain nonprofit organizations. The bill would prohibit use of the funds to law enforcement and prosecutorial agencies to supplant state or local funds available for law enforcement and prosecutorial efforts. These provisions would become effective only if AB 4145 is enacted.

Existing law establishes a system of school-based primary prevention projects for the early detection and prevention of emotional, behavioral, and learning problems.

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This bill would revise various provisions of existing law to permit publicly funded preschool programs as well as school districts and local mental health programs to apply for primary prevention grants and to establish primary prevention projects.

This bill would also allow the projects to include a parent involvement component.

Existing law requires the State Department of Mental Health in disseminating requests for the primary prevention project grants to establish a maximum figure for the amount of funds available per school site and for the number of sites that may be funded per school district.

This bill would require the department to establish a maximum figure for the amount of funds available per project site and for the number of sites that may be funded per school district or regional area.

The bill would also require the department to conduct studies of the outcome and costs of primary prevention projects, as specified, and limits the total cost of the studies to \$50,000 annually.

The bill would appropriate \$458,000 to the department to be allocated to 3 named facilities for therapeutic day services for abused, neglected, and emotionally disturbed children.

Ch. 1473 (AB 1331) Farr. Parks and recreation: acquisition and development.²⁶

(1) Under the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, \$85,000,000 in the State, Urban, and Coastal Park Fund was initially available for state grants to counties, cities, and districts for, among other things, the acquisition of park, beach, recreational, and historical resources development purposes.

This bill would amend and supplement the Budget Act of 1986 by appropriating \$250,000 from the fund to the Department of Parks and Recreation for a grant to the County of Santa Cruz for the acquisition and development of the Quail Hollow Ranch.

(2) The Budget Act of 1986 made appropriations for the support of state government in the 1986-87 fiscal year and included various appropriations for parks and recreation.

This bill would amend and supplement the Budget Act of 1986 by reverting or appropriating funds for specified parks and recreation projects.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1474 (AB 3002) Isenberg. Urban open-space and recreation facilities: Budget Act of 1986.²⁷

(1) Under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act, the Director of Parks and Recreation is required to propose revised criteria for determining priority of need for grants to cities, counties, and districts for recreational purposes and open-space purposes, and to submit the proposed revised criteria to the Legislature by March 31, 1986, for its approval by statute.

This bill would approve the revised criteria submitted by the director. The bill would authorize block grants under the act for rehabilitation of historic structures under specified conditions and would require the department to revise its criteria under the act to include these grants. The revised criteria required by the bill would not be subject to approval by statute.

(2) The Budget Act of 1977 appropriated funds from the State, Urban, and Coastal Park Fund for, among other things, a grant by the Department of Parks and Recreation to the City of Ontario for a specified park site.

This bill would amend and supplement the Budget Act of 1986 to revert the unencumbered balance of that appropriation to the fund and appropriate that amount from the fund to the department for a grant to the City of Ontario for recreation facilities.

(3) The Budget Act of 1986 made appropriations for the support of state government in the 1986-87 fiscal year and included various appropriations for parks and recreation.

This bill would amend and supplement the Budget Act of 1986 by reverting or appropriating funds for several specified parks and recreation projects.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1475 (AB 3435) N. Waters. Africanized bees: research: funds.²⁸

Under existing law, the Department of Food and Agriculture performs various functions regarding the control and eradication of agricultural pests.

This bill would declare that the Africanized bee poses a serious public health and safety threat and, if uncontrolled, will cause major damage to California's bee industry.

The bill would require an annual assessment of 3¢ a colony to be paid to the department for research until July 1, 1992.

The bill would authorize the department to expend \$100,000, with 50% to be from specified sources and the remainder to be appropriated from the General Fund, for research, as specified, on Africanized bees. The bill would declare the Legislature's intent that sufficient funds, not to exceed \$150,000, be appropriated annually through the 1991-92 fiscal year, to enable the department to continue to contract for that research.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1476 (SB 44) Garamendi. Public buildings: Parklands Acquisition and Development Program of 1984: Butte Store; claims against the state.²⁹

(1) The Budget Act of 1985 appropriated \$95,000 from the Parklands Fund of 1984 to the Department of Parks and Recreation for allocation to the County of Amador for the Butte Store.

This bill would reappropriate \$5,000 of those funds for allocation to Amador County for liability insurance for the Butte Store restoration.

(2) This bill would also appropriate \$553,625 from the General Fund to the Department of Justice to pay the settlement arising from a specified court judgment against the state.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1477 (AB 3195) Moore. Emergency telephone surcharge.

Under the Emergency Telephone Users Surcharge Act, a surcharge is imposed on amounts paid by every person in the state for intrastate telephone communication services in this state, commencing on July 1, 1977, at a specified percentage of the charge for those services to and including November 1, 1978, and thereafter at a rate fixed by the State Board of Equalization, subject to prescribed limitations. Every service supplier is required to collect the surcharge from each service user at the time it collects its billings from the service user. For that purpose, "service supplier" means any person supplying intrastate telephone communication services to any service user in this state.

This bill would instead define "service supplier" to mean any person supplying intrastate telephone communication services pursuant to California intrastate tariffs to any service user in this state.

The existing Emergency Telephone Users Surcharge Act provides that no surcharge shall be imposed on charges for any types of service or equipment furnished by a service supplier subject to public utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to public utility regulation.

This bill would instead provide that no surcharge shall be imposed on charges for any types of service or equipment furnished by a service supplier subject to state or federal public utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons not subject to state or federal public utility regulation.

The bill would declare that the amendments to those laws by this bill do not constitute a change in, but are declaratory of, the existing law, and that the legislative intent is to clarify existing law.

This bill would take effect immediately as a tax levy.

Ch. 1478 (AB 3500) Hayden. Water quality: California Ocean Plan.

(1) Under existing law, water quality control plans are required to be adopted in accordance with prescribed requirements by the regional water quality control boards or the State Water Resources Control Board for the waters of the state.

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This bill would require the state board to formulate, adopt, and periodically review a water quality control plan for ocean waters to be known as the California Ocean Plan. The bill would require the state board to develop and adopt, as prescribed, bioassay protocols and complementary chemical testing methods and require their use by specified entities in the monitoring of complex effluent, as defined, ocean discharges.

The bill would impose a state-mandated local program since these requirements would be applicable to local agencies.

The bill would also make a statement of legislative intent.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1479 (AB 3506) Hayden. Water quality enforcement.

(1) Under existing law, any person who causes or permits any discharge of a hazardous substance, as defined, is required to notify, as prescribed, the Office of Emergency Services of the discharge in accordance with the reporting provision of the state toxic disaster contingency plan, except where there is immediate notification of the appropriate California regional water quality control board.

This bill would instead require notification of the State Water Resources Control Board or the appropriate regional board in addition to the Office of Emergency Services, would include the discharge of sewage, as defined, within these reporting requirements, and would require the state board or the regional board to list all notifications received in the minutes of the next business meeting and to provide a copy of the minutes to appropriate local health officials. The bill would impose a state-mandated local program since violation of the reporting requirement would be a misdemeanor.

The bill would require the state board to adopt regulations by June 30, 1987, based on prescribed criteria, establishing reportable quantities of sewage for purposes of the bill. The bill would make specified federal regulations pertaining to reportable quantities of hazardous substances applicable for purposes of state law until the state board complies with existing requirements to adopt regulations establishing reportable quantities for specified hazardous substances.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1480 (AB 1174) Agnos. Public assistance: automatic card pilot program.

Under existing law, counties administer various state and federal public assistance programs, utilizing methods of administration established by state and federal agencies.

This bill would authorize the City and County of San Francisco and another participating county, upon approval of specified required documents by the State Department of Social Services and the State Department of Health Services, to establish an automated card benefit delivery pilot program.

The bill would require the State Department of Social Services and the State Department of Health Services to report on the pilot program to the appropriate committees of the Legislature and to the Legislative Analyst.

The bill would specify that the implementation of the pilot project is subject to the availability of federal financial participation, and would require the State Department of Social Services and the State Department of Health Services to either reject the pilot program or to initiate steps to secure federal waivers and federal funding within 60 days of receipt of the feasibility study.

The bill would also make a statement of legislative intent.

This bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1481 (AB 2286) Elder. State lands: property exchanges.³⁰

Under existing law, the State Coastal Conservancy is authorized to acquire land on a temporary basis for specified purposes related to the preservation, use, and enjoyment of coastal resources, and the California Tahoe Conservancy is authorized to acquire lands in the Lake Tahoe region. Existing law also requires the Director of General Services to annually compile a list of surplus state lands, including excess state lands.

This bill would require each conservancy to report annually or as required to the director on privately owned real property within the jurisdiction of the conservancy which has special significance, as defined, and may be the subject of a trade. The bill would allow a particular property to be included in a report only upon agreement of the owner. The bill would require the director to review and consider these reports and would authorize the director, in recommending or determining the disposition of surplus lands, to give priority to proposals which involve exchanges of surplus lands for lands listed in the reports.

The bill would require the Santa Monica Mountains Conservancy and the Department of General Services to expedite any sale of Lower Zuma Canyon to the National Park Service. The bill would require any net proceeds from the sale of Lower Zuma Canyon to be used to reimburse appropriations from the Special Account for Capital Outlay and other specified appropriations.

The bill would require that up to \$3,000,000 deposited in the account during the 1986-87 fiscal year from the sale of Lower Zuma Canyon be transferred to the State Coastal Conservancy Fund and would appropriate these funds to the State Coastal Conservancy for the acquisition of Solstice Canyon, as specified, or for other specified purposes if the coastal conservancy has already purchased Solstice Canyon.

The bill would require that, if the coastal conservancy acquires Solstice Canyon, as specified, the coastal conservancy shall request the Department of General Services to transfer the property to the Santa Monica Mountains Conservancy for management. The bill would require reimbursement of the account for any sale of the property to the National Park Service or the Department of Parks and Recreation, as specified.

Ch. 1482 (AB 2654) Leonard. Instructional materials.³¹

(1) Existing law imposes duties upon every publisher or manufacturer of instructional materials offered for adoption or sale in California.

This bill would impose additional requirements upon them relating to evaluation of textbooks and instructional materials and would require them to guarantee delivery of textbooks and instructional materials prior to the opening of school in the year in which the textbooks and instructional materials are to be used if they are ordered by a date or dates specified in the contract with the district.

(2) Existing law authorizes district boards to order state-adopted textbooks and instructional materials on forms prescribed by the State Department of Education.

The bill would require that the forms include, or be accompanied by, information concerning specified requirements imposed on publishers and manufacturers.

(3) The bill would appropriate \$100,000 to the Superintendent of Public Instruction for allocation to instructional material display centers, as specified.

(4) The bill would take effect immediately as an urgency statute.

Ch. 1483 (AB 2688) Davis. Santa Monica Mountains Conservancy: land acquisition: California Environmental License Plate Fund grants.³²

(1) Existing law appropriates \$3,000,000 from the Special Account for Capital Outlay to the Santa Monica Mountains Conservancy for the Lower Zuma Canyon acquisition and for appraisals, project planning, and design, and requires that funds in excess of that amount which are necessary to complete the acquisition be provided from amounts appropriated to the conservancy from the Parklands Fund of 1984.

Existing law requires that the property be sold if the National Park Service has not, within 3 years from the date of acquisition, made reimbursement for the property, except as to property acquired using funds appropriated to the conservancy from the Parklands Fund of 1984. It requires that the proceeds of reimbursement or sale be deposited in the Special Account for Capital Outlay, and, if Parklands Fund of 1984

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moneys were used to acquire the property, that proceeds from the sale or reimbursement be used to reimburse the Parklands Fund of 1984 to the extent that moneys advanced from that fund were used to make the acquisition.

This bill would make property acquired using funds appropriated to the conservancy from the Parklands Fund of 1984 subject to the resale requirement, and would recast these provisions to specify that the proceeds of sale or reimbursement received from the National Park Service are to be used first to reimburse the Special Account for Capital Outlay.

(2) Under existing law, funds in the California Environmental License Plate Fund may be used only for specified purposes, including environmental education.

This bill would appropriate \$166,500 from this fund to the conservancy for local assistance grants to specified organizations.

Ch. 1484 (AB 2839) Chacon. Homeless persons.³³

Existing law provides for various programs for low-income persons.

This bill would establish the Homeless Relief Pilot Project, to be administered by the Department of Housing and Community Development for a period of 2 years from the effective date of this act in the County of San Diego, to coordinate and centralize the delivery of state and local services for homeless persons.

This bill would require the Department of Housing and Community Development to report to the Legislature on the status of the project by March 1, 1988.

The bill would appropriate \$3,000,000 from the General Fund to the Department of Housing and Community Development for the 1st year of the pilot program, as specified. The bill would also state legislative intent to provide funding in future legislation for the 2nd year of the pilot program.

Ch. 1485 (AB 2862) Vasconcellos. State Board of Control.³⁴

This bill would appropriate \$1,021,803.02 from specified funds in accordance with a specified schedule to the Secretary of the State Board of Control to pay certain claims accepted by the board.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1486 (AB 2910) Hughes. Community colleges.³⁵

Existing law governs the financial affairs of community college districts.

This bill would impose a state-mandated local program by requiring specific action by county superintendents of schools, in counties with a population of less than 500,000 residents, and by superintendents and governing boards of community college districts in connection with the financial condition of community college districts.

The bill also would authorize the Chancellor of the California Community Colleges to take specific action if he or she determines that a district's plans prepared pursuant to this bill are inadequate to solve the district's financial problems, or if the district fails to implement the plans. If these actions fail to achieve district financial stability this bill would authorize the chancellor to take additional action, as specified.

Existing law authorizes a governing board of a community college district to request an emergency apportionment through the board of governors in the prescribed manner if the governing board determines during a fiscal year that its revenues are insufficient to meet its current year expenditure obligations.

This bill would repeal this authority of the governing board and would, instead, authorize the chancellor in specified circumstances to seek an appropriation for an emergency apportionment for the community college district.

This bill would appropriate \$100,000 to the Board of Governors of the California Community Colleges to carry out the purposes of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be

made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

Ch. 1487 (AB 3204) Bronzan. California Medical Assistance Commission. ³⁶

Existing law contains provisions establishing the California Medical Assistance Commission in the Governor's office, for the purpose of contracting with health care delivery systems for the provision of health care services to recipients under the California Medical Assistance Program.

This bill would require the commission to conduct a study to analyze the feasibility, costs, and benefits of offering multiple options for health benefit coverage negotiated and purchased by the state in lieu of fee-for-service Medi-Cal coverage to persons eligible for Medicare and Medi-Cal benefits, to report to the Governor and the Legislature on the study no later than April 1, 1987, and upon a determination by the commission that the arrangements are feasible and beneficial, to design a project in not more than 3 areas of the state. The commission would be prohibited from negotiating in any project area until startup funds are appropriated through the Budget Act.

The bill would require the State Department of Health Services to provide the commission with such information and technical assistance as the commission requests for purposes of the study and to seek to obtain certain federal waivers regarding these health benefit services.

This bill would appropriate \$80,000 from the General Fund to the commission for the purposes of this act.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1488 (AB 3984) Eaves. Seccombe Lake State Urban Recreation Area ³⁷

The California Park and Recreational Facilities Act of 1984 authorizes state general obligation bonds for, among other things, the acquisition of real property as an addition to an existing unit of the state park system and the development of real property for the state park system.

Under existing law, the Seccombe Lake State Urban Recreation Area in the City of San Bernardino is a unit of the state park system, and the Department of Parks and Recreation is required to provide for operation of the urban recreation area on a cost-sharing basis with the city.

This bill would repeal those provisions relating to department operation of the area on a cost-sharing basis. The bill would amend and supplement Item 3790-304-722 of the Budget Act of 1986, to appropriate \$2,176,000 from the Parklands Fund of 1984 to the department for working drawings and construction at the urban recreation area if the city and state enter into a 5-year operation and maintenance agreement with specified terms for the area.

The bill would, upon the expiration or termination of that agreement, require the state to transfer all title to, and responsibility for the operation and maintenance of, the urban recreation area, to the city for park purposes only, in perpetuity, and no other use, sale, or disposition of the park would be permitted, except by specific act of the Legislature. Upon a breach of any condition of the transfer, the state would be authorized to reenter the property and it would revert to the state. The bill would require that while the agreement is in force Seccombe Lake Park remain a unit of the state park system and upon the expiration or termination of the agreement, the park would become a municipal park of the City of San Bernardino. The bill would also require transfer to the city of fee title to specified parcels in the urban recreation area, with title to a specified parcel to be transferred immediately upon receiving approval from the U.S. Department of the Interior.

The bill would require that, during the 5-year period of joint city and state operation of the recreation area, all revenues therefrom be retained by the city for Seccombe Lake Park purposes.

The bill would make conforming changes.

The bill would appropriate \$66,000 from the General Fund to the department for operation costs of the Seccombe Lake State Urban Recreation Area for the 1986-87 fiscal year. The bill would state the intent of the Legislature that the state operation costs of

the recreation area be included in the annual Budget Act in subsequent fiscal years.
The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1489 (SB 805) Presley. Wildlife Conservation Board. ecological reserves.³⁸

Under the Budget Act of 1986, \$500,000 is appropriated from the California Environmental License Plate Fund to the Wildlife Conservation Board for land acquisition and development of ecological reserves.

This bill would increase that amount to \$1,500,000, thereby making an appropriation.

Ch. 1490 (SB 1567) Presley. Aid to Families with Dependent Children: emergency services.³⁹

Existing law provides for the provision of emergency assistance for needy families, to the extent permitted under federal law, and pursuant to certain eligibility limitations.

This bill would require the State Department of Social Services to operate an Emergency Assistance for Needy Families with Dependent Children Program to the extent federal funds are available, would revise the eligibility requirements, would specify the standard of care to be provided, and would prohibit implementation of the program until specified plan changes are approved by the federal government. The bill would also specify that assistance shall be effective on the date of application for assistance, or the date all eligibility requirements are met, whichever is later.

Existing law contains provisions setting forth a continuous appropriation for state reimbursement to counties for a specified share of the county aid payment obligation under the AFDC program.

This bill would specify that the state shall reimburse, after deducting federal funds available, each county for 50% of the benefits provided under the AFDC Emergency Assistance Program, subject to specified limitations.

The bill would require the State Department of Social Services to report to the Legislature by July 1, 1987, detailing how emergency assistance programs and child welfare services have served homeless children and families.

The bill would appropriate \$3,000,000 for homeless families to augment the budget of the Emergency Housing and Assistance Fund, and would specify that the above provisions of this bill would not become operative unless and until the appropriation for emergency shelter services contained in this bill is approved and allocated.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1491 (SB 1690) Boatwright. State Board of Control.⁴⁰

This bill would appropriate \$807,508.43, as scheduled, to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1492 (SB 1238) Roberti. Earthquake.⁴¹

(1) Under existing law, moneys in the 4 special accounts in the Natural Disaster Assistance Fund may be used for specified disaster relief purposes.

This bill would require the Controller to establish the Earthquake Emergency Investigations Account in that fund and would authorize the Seismic Safety Commission to allocate moneys from the account for specified earthquake investigation purposes.

The bill would require \$100,000 to be transferred from the General Fund to the account and would appropriate the \$100,000 from the account to the commission for allocation for the purposes of the bill.

(2) Existing law requires the Department of Conservation to develop jointly with the United States Geological Survey a prototype earthquake prediction system along the central San Andreas Fault near the City of Parkfield. The Office of Emergency Services, in consultation with the California Earthquake Prediction Evaluation Council, is required to develop a comprehensive emergency response plan for short-term earthquake prediction.

This bill would state that the department is the primary state agency responsible for geologic hazard review and investigation. The bill would also require the department, in consultation with the Seismic Safety Commission, to conduct a feasibility study evalu-

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ating the effectiveness of an early warning system to detect seismic activity along the San Andreas Fault north of the Los Angeles metropolitan area. The bill would appropriate \$200,000 from the Insurance Fund to the department for the feasibility study.

Ch. 1493 (SB 2213) Mello. 1985 Budget Act. reappropriation: New Brighton State Beach.

The Budget Act of 1982 included an appropriation of \$4,000,000 for acquisition of land for New Brighton State Beach. The Budget Act of 1985 reappropriated the unencumbered balance of the 1982 appropriation and specified certain conditions under which the reappropriated funds could be spent.

This bill would amend the Budget Act of 1985 to authorize expenditure of unencumbered funds reappropriated for acquisition of land for New Brighton State Beach for acquisition of specified parcels.

Ch 1494 (AB 559) W. Brown. Student financial aid

Under existing law, the Student Aid Commission administers various student financial aid programs.

(1) This bill would prohibit the consideration of certain specified factors in determining an applicant's financial need.

(2) This bill would increase the size of the Student Aid Commission from 11 to 15 members. The Senate Rules Committee and the Speaker of the Assembly would each be given the responsibility of appointing 2 of the new representatives effective January 1, 1987.

(3) Existing law authorizes the commission to select, as specified, an organization to provide financial need analysis and related services and to act as the sole processor of the single, common student financial aid application form and single, common financial statement required to be made available by the commission and used for all programs funded by the state or a public postsecondary educational institution and all federal programs administered by a public postsecondary educational institution, unless the institution has been exempted from that requirement, as specified.

This bill would authorize students applying for financial aid for a specified fee charged by community college districts pursuant to specified provisions of existing law to use a simplified form designed for that sole purpose, as designated by the Board of Governors of the California Community Colleges.

This bill would require the commission, if it exercises its authority to select a sole processor, to do so through a specified process. This bill would also require the commission to adopt regulations and guidelines to implement this provision.

(4) Existing law establishes the Cal Grant Program, which provides 3 types of awards, including awards for tuition and student fees.

This bill would specify allocations to be made for the 1986-87 fiscal year. The bill also would provide that funding for the maximum Cal Grant award shall be subject to the availability of funds appropriated therefor in the annual Budget Act.

(5) This bill would specify that funds appropriated for the purposes of this act are not included within the total amount of money allocated for public education in this state, for purposes of the California State Lottery of 1984.

Ch. 1495 (SB 1937) Petris. Employee housing: local assumption of enforcement.

(1) Existing law, known as the Employee Housing Act, provides for the licensure and regulation of labor camps, as defined, by the Department of Housing and Community Development. Under this act any city, county, or city and county may assume the responsibility for the act's enforcement, if certain conditions are satisfied, including approval by the department. In the event of local enforcement agency nonenforcement, the department is authorized by the act to enforce the act after complying with a specified procedure, including the provision of written notice to the local enforcement agency, as specified. Existing law permits the local enforcement agency to appeal the department's decision.

Under the act, local use zone requirements, local fire zones, property lines, sources of water supply, and method of sewage disposal requirements are reserved to local

regulation. Existing law provides that a violation of the act, and rules, regulations, and standards adopted pursuant thereto is a misdemeanor.

This bill would provide if the enforcement agency has failed to initiate certain actions after the department's notice, as specified, the department may undertake the investigation and enforcement responsibilities under the act within the local enforcement agency's jurisdiction and the local agency would be liable to the department and the Attorney General for the actual cost of the investigation and enforcement by these state agencies.

This bill would require the department, as specified, to adopt model or prototype plans for several specified types of employee housing. The bill would permit any person intending to construct employee housing to adopt one or more of those models as plans for the proposed housing.

(2) Under existing law, labor camps are subject to the Employee Housing Law which requires, among other things, that labor camps comply with specified building standards.

This bill would require the department, or any city, county, or city and county, which has assumed responsibility for the enforcement of the Employee Housing Law, to provide notice to the residents when the condition rendering the accommodations in a labor camp substandard is the overcrowding of the accommodations, and to give the residents a reasonable opportunity to correct the violation prior to the commencement of an action or proceeding, as specified. This requirement would impose a state-mandated local program with respect to a city, county, or city and county, that has assumed responsibility for enforcement of the Employee Housing Law.

The bill would provide that if the enforcement agency permits the owner or operator of the labor camp to appeal the initial notice of a violation or order to abate, the residents would be permitted to make a similar appeal. If the only means of abatement is vacation of the accommodations, the enforcement agency would be required to consider the availability of alternative housing for the residents and, if alternative housing is not available, to grant the residents a reasonable period of time, as determined by the enforcement agency, to find alternative housing.

(3) This bill would require the department to take specified enforcement actions relative to the act.

(4) The bill would require that all of the requirements imposed by the act on the department be performed by civil service employees of the department who are bilingual in Spanish and English, to the extent feasible. The bill would require the Legislative Analyst to make a specified annual report to the Legislature.

(5) Existing law does not require the operator of a labor camp to provide a resident of every unit of the camp with a written copy in English and Spanish of every order or notice of violation issued by the enforcement agency.

This bill would require the operator of a labor camp to do so, as specified. A violation of this provision would be a misdemeanor. The creation of a new crime is a state-mandated local program.

(6) Existing law does not permit the enforcement agency or court of competent jurisdiction to provide in certain instances and with certain conditions for the deferral of an order of abatement.

This bill would permit the enforcement agency or court to do so. It would provide that upon motion by the enforcement agency, the operator, or the tenants, the court may issue an order which would result in correction of defects rather than closure of the labor camp, as specified.

(7) Existing law provides that any person who is convicted of a specified misdemeanor for a second or subsequent time within a 5-year period is guilty of another crime, as specified.

This bill would provide that any person who is convicted of violating certain provisions for a 1st or subsequent time within a 5-year period after issuance of an injunction enforcing the act is guilty of a crime, as specified. The creation of a new crime is a state-mandated local program. This bill would also make clarifying changes concerning some additional provisions relative to criminal acts.

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(8) Existing law provides that certain fines collected pursuant to the act shall be paid to the enforcement agency which had the major responsibility for investigating the violation.

This bill would revise this provision to make it applicable to all fines and civil penalties collected pursuant to the act. It would provide they be paid to the enforcement agency which had the major responsibility for investigating and seeking correction of the violation. It would provide that any state or local agency which participated in the investigation and enforcement pursuant to the act may seek reimbursement of its costs prior to and subsequent to the judgment.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by certain provisions of this act for a specified reason.

This bill would also provide that the Legislature finds there is no mandate contained in another specified provision of the bill which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Ch. 1496 (AB 3608) Agnos Child care providers.

Existing law requires the State Department of Social Services to do a background review, as specified, for any applicant for child day care licensure.

This bill would authorize parents or legal guardians to request background information from the Department of Justice for a professional child care provider, as defined.

This bill would require the permission of the professional child care provider for the release of the information, require fingerprints and a check of the child abuse registry to be obtained in the same manner as under the California Child Day Care Facilities Act, would allow the department to charge the parents for the cost of the information, with certain exceptions. This bill would authorize the department to adopt regulations establishing a fee schedule for this purpose, as specified. The bill would require the department to notify the professional child care provider in writing that pertinent criminal conviction information has been found, and permit the child care provider to petition for a hearing as specified.

This bill would limit liability of state officers and employees in this context to gross negligence or intentional acts.

The bill would also require the department to maintain an index of child abuse reports and convictions of the providers, as specified.

The bill would provide that the Department of Justice establish this program as a pilot project in specified counties. The program would operate from July 1, 1987, to January 1, 1990. The department would be required to report to the Legislature, as specified.

The bill would appropriate \$150,000 from the General Fund to the Department of Justice to be repaid from fees collected.

Ch. 1497 (AB 2735) Peace. Warranties: grey market goods.

Existing law generally provides warranty protection for the buyer of consumer goods. Existing law, however, does not specifically regulate the sale of grey market goods.

This bill would require retail sellers who offer for sale grey market goods, as defined, to post a conspicuous sign at the product's point of display and affix to the product or its package a conspicuous ticket, label, or tag disclosing, if applicable, that a product is not covered by a manufacturer's express written warranty valid in the United States; is not compatible with, among other things, United States electrical currents or broadcast frequencies; does not have replacement parts or compatible accessories readily available; is not accompanied by instructions in English; or is not eligible for a rebate offered by the manufacturer. Similar disclosures would be required to be made in advertisements of grey market goods. The bill would provide that a retail seller need not disclose that a product is not covered by a manufacturer's express written warranty valid in the United States if the product is accompanied by an express written warranty provided by the retail seller and specified conditions are satisfied.

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The bill would also provide that a violation of these provisions constitutes unfair competition, grounds for rescission, and a deceptive practice, under specified provisions of law.

Ch. 1498 (AB 4044) Farr. Liability: natural gas, oil, drilling waste discharges. exploration.

Under existing law, the owner or operator of a vessel is absolutely liable for damage proximately caused by the discharge or leakage of petroleum or fuel oil into the navigable waters of the state in the commercial transportation of petroleum, fuel oil, or hazardous substances, unless an external or independent agency which could not reasonably be foreseen causes the discharge or leakage.

This bill would, additionally, impose absolute liability upon any responsible person, as defined, for damages caused by the discharge or leaking of natural gas, oil, or drilling waste into or onto marine waters, or for damages caused by any exploration, as defined, in or upon marine waters, from specified sources. The bill would prohibit holding a responsible party liable for damages caused by war or insurrection or by unanticipated grave natural disaster or act of God, damages caused solely by the injured party's negligence or intentional malfeasance, damages caused solely by the criminal act of a 3rd party, natural seepage, discharges from a private pleasure boat or vessel, or damages caused by discharges authorized by a state or federal permit. The court would be authorized to award costs of suit, attorneys' fees, and other costs, as specified.

The bill would define terms and make a statement of legislative intent. The bill would also declare that its provisions are severable if any portion of the bill is held invalid, and would declare that it is not applicable to claims for damages for personal injury or wrongful death.

Ch. 1499 (SB 1733) Morgan. Telecommunications policy and planning.

Existing law requires the Department of General Services to provide advice to state and local agencies concerning existing or proposed communications facilities between federal, state, and local agencies and to recommend to appropriate state and local agencies regulations, procedures, and methods of operation it deems necessary to effectuate the most efficient and economical use of publicly owned and operated communications facilities within the state.

This bill would establish within the department a Division of Telecommunications which would include a policy and planning unit with specified duties. Among these duties would be the assessment of the overall long-range telecommunications needs and requirements of the state, the development of strategic and tactical policies and plans for telecommunications, including the preparation of an annual strategic telecommunications plan, and advice and assistance in the selection of telecommunications equipment for state agencies.

The bill would also establish within the department a 7-member advisory board until January 1, 1990, to advise on telecommunications. The bill would further require that the department augment the current level of staff assigned to telecommunications.

Existing law requires the Office of Information Technology within the Department of Finance to develop plans and policy regarding telecommunications, teleconferencing as an alternative to state travel, and emergency communications, among other things.

This bill would repeal this requirement.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1500 (SB 2469) Ayala. Home detention.

Existing law does not authorize a judge in sentencing a defendant convicted of a misdemeanor to home detention in lieu of sentencing the person to county jail.

This bill would authorize, with the concurrence of the board of supervisors, the presiding judge of the municipal court or the presiding judge of the superior court, or of the criminal divisions thereof, of San Bernardino County and at least one other county, to participate in a 3-year pilot project whereby a judge in those counties may sentence a person convicted of a misdemeanor to home detention in lieu of sentencing the person to county jail. The bill would require the project to be under the jurisdiction of the Board

of Corrections which would monitor the project. It would also require the participating counties to establish procedures for the imposition of fees upon persons sentenced to home detention for the purpose of fully or partially covering the costs arising from the use by those persons of any approved electronic monitoring or supervising device, as defined. The judge in imposing sentence would be required to first obtain the consent of the defendant and to direct the defendant to comply with the following conditions: (1) remain within the interior premises of the place of his or her detention during the hours designated, (2) agree to reasonable, unannounced visits to the defendant's place of detention by certain persons for specified purposes, (3) agree to the use of electronic monitoring or supervising devices, and (4) agree to obtain or retain a job during the period of detention.

The bill would require participating counties and suppliers or manufacturers of approved devices to provide the Board of Corrections with certain information. It would also require the Board of Corrections to monitor and to report to the Legislature on or before December 31, 1988, regarding the effectiveness of the pilot program.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1501 (SB 2067) Seymour. Hazardous substances: recovery.

Under existing law, the money in the Hazardous Substance Account ("California Superfund") in the General Fund and the Hazardous Substance Cleanup Fund may be appropriated by the Legislature to meet the state's obligation to make specified proportional payments under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for purposes, generally, of taking removal or remedial action relating to the release or threatened release of hazardous substances and to pay for the costs which the state incurs for removal or remedial actions not reimbursed by the federal act. The costs incurred from these accounts are required to be recovered from the liable person. Existing law provides that the standard of liability for these recovery actions is strict liability and prohibits an indemnification, hold harmless, or similar agreement from transferring any liability for these costs.

This bill would, notwithstanding any other provision of law, authorize the State Department of Health Services to indemnify and hold harmless a response action contractor, as defined, for any injuries, costs, damages, or expenses which result from the response action contractor's acts or omissions in carrying out a removal or remedial action caused by a release or threatened release at certain hazardous substance release sites under specified conditions. The bill would require the approval of the Department of Finance, based upon specified determinations, and the review and approval of the Department of General Services before the department could provide this indemnification.

Those provisions would be repealed on January 1, 1990, but would be applicable to acts or omissions occurring before that date.

Ch. 1502 (AB 650) Tanner. Hazardous waste facilities. imminent and substantial endangerment: state plan.

(1) Existing law requires the State Department of Health Services to provide statewide planning for hazardous waste facility site identification and assessment.

This bill would require the department to adopt a state hazardous waste management plan by July 1, 1988, pursuant to a specified procedure, and to annually review the plan and update the plan at least once every 3 years. The bill would specify the elements to be included in the plan.

(2) Existing law prohibits a local agency from prohibiting or unreasonably regulating the disposal, treatment, or recovery of resources from an existing hazardous waste facility, as defined, unless the State Director of Health Services conducts a hearing and determines that the operation of the facility may present an imminent and substantial endangerment to health and the environment, except as specified.

This bill would require the director to conduct a hearing to make such a determination for an existing hazardous waste facility upon the occurrence of specified events concerning the evacuation of a residence, school, place of employment, or commercial establishment, the emission of certain air pollutants from the facility, the contamination of a

source of drinking water by that facility, a finding by a state agency or the board of supervisors concerning public health, the violation of a compliance order requiring specified actions by the owner or operator of the facility, or the violation of administrative or judicial orders concerning waste discharges. The bill would specify procedures for the conduct of the hearing, including the manner of providing notice, the location of the hearing, and the review of the decision.

Ch. 1503 (AB 2702) La Follette. Hazardous substances: incident response training.

Existing law requires the Governor to establish a state toxic disaster contingency plan to respond to toxic disasters within the state

This bill would require the Office of Emergency Services to establish, within 18 months after the effective date of the bill, the California Hazardous Substances Incident Response Training and Education Program which would require the office to (1) develop the curriculum, pursuant to a specified procedure, for hazardous substances response training classes, one year after the effective date of this bill, (2) train and certify instructors at the California Specialized Training Institute, (3) approve classes meeting the program's requirements, and (4) certify students who have completed an approved class. The bill would authorize the office to hire staff pursuant to the State Civil Service Act.

The office would be required to submit a report to the Legislature concerning the implementation of the program within 18 months after the effective date of the bill.

The bill would appropriate \$245,000 from the Hazardous Waste Control Account to the office for curriculum development and for carrying out the program

The bill would declare that it is to take effect immediately as an urgency statute.

Ch 1504 (AB 2948) Tanner Hazardous waste: management plans and facility siting procedures.

(1) Existing law requires counties and cities to adopt general plans and requires counties to adopt a solid waste management plan, the hazardous waste portion of which is subject to review by the State Department of Health Services.

This bill would authorize a county, in lieu of preparing the hazardous waste portion of the solid waste management plan, to adopt, by September 30, 1988, a county hazardous waste management plan pursuant to guidelines adopted by the department, and would specify the procedures for the preparation, revision, adoption, approval, and amendment of these plans. The bill would authorize a county to delegate the authority to prepare the plan to a city, a joint powers agency, or any other special planning agency. The bill would authorize a city, or 2 or more cities acting jointly within a county, to prepare the county hazardous waste management plan if the county in which the city or cities are located does not elect to prepare a plan. The bill would authorize specified councils of governments to adopt regional hazardous waste management plans. The bill would require the Southern California Association of Governments to transfer the responsibility to prepare the regional plan to the Southern California Hazardous Waste Management Authority, if the authority is created by a joint powers agreement. The bill would prohibit any person from establishing or expanding an offsite facility, unless the city's or county's legislative body finds that the establishment or expansion is consistent with the county hazardous waste management plan.

The bill would create, within the Hazardous Waste Control Account in the General Fund, the Hazardous Waste Management Planning Subaccount and would authorize the department to expend the moneys in the subaccount, upon appropriation by the Legislature, for the purpose of paying for the costs of the state department in administering the program, and for providing grants to councils of governments, counties, and cities in carrying out these provisions.

The bill would transfer to the Hazardous Waste Management Planning Subaccount \$10,000,000 of the funds appropriated to the Hazardous Control Account from the proceeds received by the state from any settlements under specified provisions of the Outer Continental Shelf Lands Act.

(2) Existing law imposes a fee upon the operator of a hazardous waste disposal site

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for the purpose of funding specified activities concerning hazardous waste regulation.

This bill would authorize a city or county in which there is located an offsite, multiuser hazardous waste facility, as defined, to impose a tax, for general purposes, or a user fee upon the operation of the facility, up to an amount equal to 10% of the facility's annual gross receipts for hazardous waste treated, stored, or disposed of at that facility, except as specified.

(3) Existing law requires public agencies to approve applications for development projects, as defined, within specified time periods, including projects for the discharge or disposal of waste. Existing law also requires the department to issue hazardous waste facilities permits to use and operate hazardous waste facilities.

This bill would expressly provide that the development project approval provisions apply to the making of a land use decision or the issuance of a permit, as defined, by a public agency, for a hazardous waste facility project which is not a land disposal facility.

The bill would also establish procedures for the approval and review of applications for a land use decision concerning a hazardous waste facility project, as defined, by a local agency. The bill would require the Office of Permit Assistance in the Office of Planning and Research to perform specified duties concerning a hazardous waste facility project, including providing information and assistance, and convening meetings on project applications. The bill would require that a person applying to a local agency for a land use decision concerning an offsite hazardous waste facility to pay a fee, as established by the Office of Permit Assistance, and would require the office to deposit these fees in the Local Agency Technical Assistance Account, which the bill would create in the General Fund. The money in the account would be available for expenditure by the office, upon appropriation by the Legislature, to make technical assistance grants to local agencies. The bill would specify procedures for the processing of applications by public agencies for hazardous waste facilities projects pending certain judicial actions.

The bill would also establish procedures for appealing a local agency land use decision concerning the siting and construction, or expansion of, an offsite hazardous waste facility serving more than one hazardous waste generator. The bill would require an appeal to be authorized by the Governor or the Governor's designee, would provide for the establishment of an appeal board to review the appeal, and would specify the procedures and determinations which the appeal board is required to follow in agreeing with, reversing, or modifying a local agency's land use decision.

The bill would prohibit the department from issuing a hazardous waste facility permit after January 1, 1987, unless the department makes a specified finding.

The bill would prohibit the department from issuing a permit to a hazardous waste land disposal facility which commences operation after January 1, 1987, except as specified, and the department would also be required to prohibit the land disposal of untreated hazardous waste after January 1, 1990, except as specified. This provision would not become operative if SB 1500 is enacted and becomes operative.

(4) The bill would also make a statement of legislative intent and would make conforming changes.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by requiring cities, counties, and districts to take specified actions concerning planning for hazardous waste management and making land use decisions for hazardous waste facilities and by creating certain crimes concerning payment of a fee to operate a hazardous waste facility.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch. 1505 (AB 1263) Margolin. Hazardous waste: notification statements.

(1) Existing law requires persons who dispose of hazardous waste or who submit

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hazardous waste for disposal to file an annual report with the State Board of Equalization. Existing law also imposes criminal penalties upon persons violating hazardous waste control laws.

This bill would require any person generating hazardous waste or owning or operating a hazardous waste treatment, storage, or disposal facility to file a hazardous waste notification statement, containing specified information, with the State Director of Health Services by January 1, 1988, and to file an amended statement if there has been a substantial change in the information. The State Department of Health Services would be required to prepare and distribute the hazardous waste notification statement forms by July 1, 1987, and to include specified information in these forms. The bill would prohibit any person from taking these actions after January 1, 1988, unless the statement is filed, except that persons who are required to file notification with the Administrator of the Environmental Protection Agency, persons generating household wastes, and persons engaged in the cleanup of, or remedial action to, a hazardous waste site would be exempt from this requirement. The bill would subject persons who are required to file the statement and who fail to do so, or who knowingly submit false information, to a specified civil penalty, and would require the director to compile and organize the statements and transmit the compilation to specified state and local agencies.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish a procedure for paying this reimbursement and require any statute mandating these costs to specify that reimbursement shall be made from the State Mandates Claims Fund for these costs.

This bill would impose a state-mandated local program by creating new crimes concerning hazardous waste generation, treatment, disposal, and storage and by imposing obligations upon cities, counties, and districts which generate or store hazardous waste.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch. 1506 (AB 4283) Wright. Hazardous waste: fees.

(1) Existing law, until July 1, 1986, required the State Director of Health Services to establish a schedule of hazardous waste disposal fees upon persons who dispose of hazardous waste or submit hazardous waste for disposal and to deposit these fees in the Hazardous Waste Control Account. These fees were required to be paid directly to the State Board of Equalization and were required to be set to produce revenues sufficient to cover the costs incurred in administering specified hazardous waste regulation provisions.

This bill would reestablish such a fee, but would require the fee to be paid directly by persons who dispose of hazardous waste onsite, or who annually submit more than 500 pounds of hazardous waste for disposal offsite, or who submit hazardous waste for transportation in this state for disposal outside of the state. The bill would also require operators of hazardous waste disposal facilities to pay the fee, except as specified. The bill would require the fee to be set as specified in (2) below.

The bill would reestablish the Hazardous Waste Control Account, would require various fees, penalties, and revenue from other sources to be deposited into the account, and would continuously appropriate the moneys in that account to the State Department of Health Services for specified purposes, thereby making an appropriation.

The bill would make conforming changes, including repealing a provision requiring the department to increase or decrease the fee according to the hazards of the disposed waste.

(2) The amount of the fees for that hazardous waste disposed of on land or applied to land, as specified, became effective July 1, 1985, and remained in effect until June 30, 1986, using a base rate for the 1985-86 fiscal year, as adjusted by the board.

This bill would provide that the rates for each fiscal year would be determined using that base rate. The bill would revise the formula for determining the base rate by making the base rate applicable to every fiscal year and by including a new category of fees for

waste which is generated in this state and disposed of, or submitted for disposal, outside the state. The bill would delete the date when the fee increase or decrease regulations are no longer in effect and would include the fees specified in (4) below in this provision. The bill would also make the fee formula provisions inoperative on April 1, 1988, and would repeal them as of January 1, 1989.

(3) Existing law requires the department to contract with a firm for a study concerning hazardous waste disposal fees and taxes, to be submitted to the Legislature by January 1, 1986. Chapter 113 of the Statutes of 1985 appropriated \$50,000 from the Hazardous Waste Control Account to the department for the purpose of carrying out this study.

This bill would repeal that provision and would instead require the Auditor General to submit a report to the Legislature by November 1, 1987, concerning these fees and taxes. The bill would reappropriate \$50,000 to the Joint Legislative Audit Committee for transfer to the Auditor General to prepare the report.

(4) Existing law requires the department to establish fees for the filing, reissuance, and continuance of a hazardous waste facilities permit. Existing law requires any person who produces a hazardous waste and submits the waste for transport to complete a uniform hazardous waste manifest and to send a copy of the manifest to the department.

This bill would repeal those fee requirements and instead impose an annual facility fee upon operators of specified hazardous waste storage, treatment, and disposal facilities and would require the fees to be set by the director, in accordance with a specified formula. The board would be required to collect the fees and deposit them in the Hazardous Waste Control Account. The funds in the account from the fees would be continuously appropriated to the department for the purposes specified in (1) above, thereby making an appropriation.

The bill would require each generator, as defined, of specified amounts of hazardous waste, to pay an annual fee to the board which the department would be required to establish according to a specified formula.

The department would also be authorized to charge additional fees for nonroutine services, as specified.

The bill would require that a fee of \$20 accompany the resubmission of any incorrectly completed manifest.

These fee provisions would become inoperative on April 1, 1988, and the bill would repeal these provisions on January 1, 1989.

(5) Existing law requires every person who disposes of, or who submits for disposal, more than 500 pounds of hazardous waste to submit a report to the board.

This bill would require the report to be made on forms prescribed by the board.

(6) The bill would make conforming changes.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by imposing fees upon local agencies which generate hazardous waste and by creating new crimes concerning the payment of these fees.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

(8) The bill would appropriate \$800,000 from the Hazardous Waste Control Account to carry out the bill, with \$700,000 to the board and \$100,000 to the department.

(9) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1507 (SB 1875) Craven. Environmental quality assessments.

Existing law requires the State Department of Health Services to issue permits for the operation of hazardous waste facilities.

This bill would enact the Environmental Quality Assessment Act of 1986 and would

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require the Secretary of Environmental Affairs to adopt, by regulation, criteria and examination requirements for the voluntary registration of environmental assessors, on or before September 1, 1987, in consultation with the department, the State Water Resources Control Board, the State Air Resources Board, and the Division of Occupational Safety and Health. The bill would allow a person to apply to the secretary for registration on and after October 1, 1987, and would require the secretary to publish the list of registered environmental assessors on or before March 1, 1988. The secretary would be required to assess an application fee for registration of up to \$50 and a listing fee of up to \$100.

The bill would require an assessor to renew the registration every 5 years. The bill would also exempt from liability any state agency or employee of a state agency for any injury or damages resulting from the services provided by a registered assessor.

The secretary would be required to submit a report to the Legislature on or before April 1, 1988, concerning the environmental assessor registration program.

Ch. 1508 (SB 1891) Presley. Hazardous substances: removal and remedial action: water connection reimbursement.

(1) Under the Carpenter-Presley-Tanner Hazardous Substance Account Act, the State Department of Health Services is required to adopt criteria for the priority ranking of hazardous substance release sites for remedial action, including the costs of the removal and remedial action and the public health benefits resulting from the action. The department is required to publish and revise annually the list of sites, as categorized by one of 3 lists. The funds appropriated to the department for removal and remedial action are required to be expended in accordance with this ranking. The department or the appropriate California regional water quality control board is required to issue a remedial action plan for all hazardous substance release sites listed on the annual priority ranking of sites. All remedial action plans are required to be based upon specified factors, including the cost effectiveness of alternative remedial measures.

This bill would revise the criteria for the ranking of the sites and would allow the criteria to include a minimum hazard threshold below which the site is not required to be listed. The bill would exempt sites which meet certain criteria concerning an identified responsible party from the requirement that the list of these sites be annually published.

The bill would require that specified hazardous substance release sites be assigned to one of three tiers, based upon the sites' risk to public health and safety and the environment, as specified.

The bill would require, in determining the cost effectiveness of alternative remedial action measures in the remedial action plan, consideration as to whether deferral of a remedial action might result in a rapid increase in cost or hazard to public health or the environment.

The bill would also make a statement of legislative intent.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) Existing law appropriated \$16,000,000 from the contingency reserve for economic uncertainties to the department for expenditure at the Stringfellow Acid Pits, of which \$1,600,000 was allocated to provide a permanent alternative water supply to Glen Avon residents and \$13,600,000 for establishing a Special Stringfellow Reserve Account.

This bill would require this \$16,000,000 to be expended by the department to pay the Jurupa Community Services District for making water system connections to eligible structures in Glen Avon, as specified, or for reimbursing eligible persons who make a connection. The bill would require the County of Riverside to determine whether to connect specified illegal structures to a permanent water supply by November 1, 1986, thereby imposing a state-mandated local program.

(4) The bill would appropriate \$1,000,000 from the General Fund to the department to commence removal and remedial action at the ASARCO hazardous substance release

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site in Contra Costa County and would provide for reimbursement of the General Fund if the state is awarded funds with respect to that site.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1509 (SB 1500) Roberti. Hazardous waste.

(1) Existing law prohibits the storage or disposal of hazardous waste except in accordance with specified statutory provisions and the regulations of the State Department of Health Services.

This bill would enact the Hazardous Waste Management Act of 1986 and make a statement of legislative intent. The bill would prohibit the disposal of liquid wastes, liquid hazardous wastes, or hazardous waste containing free liquids in hazardous waste landfills, except as specified, and would require the department to prohibit on or before May 8, 1990, the land disposal of hazardous wastes after the effective date of the department's prohibition unless the waste is a treated hazardous waste or a solid hazardous waste generated in the cleanup or decontamination of a site. The department would be required to adopt treatment standards on or before May 8, 1990, which would be required for the land disposal of hazardous waste and the bill would require the department to revise these standards at least once every 7 years. The bill would provide exemptions from these requirements for specified hazardous wastes and types of facilities. The bill would require the department and the State Water Resources Control Board to promote hazardous waste management practices in accordance with a specified priority ranking.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would impose a state-mandated local program by creating new crimes concerning the disposal of hazardous waste and by imposing new requirements upon cities, counties, and districts which dispose of hazardous waste.

The bill would provide that reimbursement shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund, except that, for certain costs, the bill would provide that no reimbursement is required for a specified reason.

Ch 1510 (AB 3758) Calderon. State Bar of California: dues.

Existing law establishes a basic annual membership fee of \$180 for active members of the State Bar who have been admitted for 3 years or longer, for 1986. It establishes a maximum basic annual membership fee of \$115 for active members of the State Bar who have been admitted for less than 3 years and authorizes a basic membership fee of \$100 for active members admitted for less than one year, for 1986. It authorizes these amounts to be adjusted for an increase or decrease in the cost of living, as specified. A portion of these membership fees are required to be expended on the disciplinary system. Existing law also requires that in 1986 the State Bar must submit its budget for calendar year 1986 to the appropriate fiscal committees of each house of the Legislature for review and recommendation, and that, commencing in 1986, the State Bar must submit its proposed annual budget for the following year to the Legislature for review and approval as part of any bill that would authorize the imposition of membership dues for the following year.

Existing law also authorizes the Board of Governors of the State Bar to increase the annual membership fee for active members by not more than \$10 for land and buildings in 1986; however, it prohibits the expenditure of this additional amount for capital expenditures. Existing law also authorizes the board to increase the annual membership fee by an additional amount not to exceed \$10 to be used for the establishment of the Client Security Fund. Existing law authorizes the board to set the membership fee for inactive members at not more than \$20.

This bill would set the basic membership fees for 1987 at \$200 for members admitted 3 years or longer, \$140 for members admitted less than 3 years, and not exceeding \$110

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for members admitted less than one year.

The bill would require that a proposed baseline budget for the following fiscal year be submitted by the State Bar annually to the appropriate fiscal committees of the Legislature and the Joint Legislative Budget Committee by November 15, and a final budget by February 15. It also would specify the information to be submitted with those proposals.

The bill would also delete the limitation on the additional fee for land and buildings to 1986, delete the prohibition on its use for capital expenditures, and authorize it to be imposed on inactive members of the State Bar; fix the maximum membership fee for inactive members at \$40; and authorize the board to increase the basic membership fee by \$25 for purposes of the Client Security Fund. The bill also would authorize the board to increase the basic membership fee by \$25 for the costs of the disciplinary system.

The bill also would limit the imposition of fees for the late filing of applications to take the general bar examination to specified amounts and require refund of application fees for the general bar examination, under designated circumstances.

Ch. 1511 (SB 1653) Campbell. Property taxation: information and records.

Existing property tax law provides that, with certain exceptions, any information and records in the assessor's office which are not required by law to be kept or prepared by the assessor, and homeowners' exemption claims, are not public documents and are not open to public inspection. These provisions are applicable in any county except a county with a population which exceeds 4,000,000. Comparable provisions apply to such a county, with certain additional specified exceptions, relating to the required nondisclosure of information requested or furnished in connection with property statements or change in ownership statements or the authorized nondisclosure of certain records under the Public Records Act.

This bill would supplement the above provisions by specifying that information relating to property characteristics, as specified, is a public record and open to public inspection. This bill would make these supplemental provisions applicable in all counties with a population in excess of 715,000 and would permit their application in any county with a lesser population.

This bill would, based on specified legislative findings and declarations, provide counties and assessors with immunity from liability for errors, omissions, or approximations with respect to property characteristics information provided by assessors to any party. It would also specify that these immunity provisions shall not be construed to imply liability on the part of any county or assessor with regard to errors, omissions, or other defects in any other information or records provided by an assessor.

This bill would permit the assessor of each affected county to require the payment of a fee, as specified, for providing property characteristics information in the assessor's office to persons requesting the information. This bill would restrict the use of the revenues from the collection of the authorized fee to purposes connected with assessor's information.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1512 (SB 282) Mello. Integrated Financing District Act.

Existing law contains various provisions that authorize local agencies to finance public facilities.

This bill would authorize a local agency, as defined, to create an integrated financing district. The bill would authorize the district to levy a contingent assessment on the owners of land within a district that would be contingent upon the development of their land and a specified noncontingent assessment levied pursuant to various specified improvement acts.

The district would be authorized to assist in financing any work which may be financed pursuant to any one of several specified provisions of law.

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The bill would authorize the local agency to enter into a reimbursement agreement with an investor obligating the investor to advance a sum of money to that entity to be used to pay the costs associated with the development of the public facilities and obligating the entity to repay the investor, as specified.

Ch. 1513 (SB 947) Campbell. State officers and employees.

Under existing law, officers and employees of the state are prohibited from receiving any compensation above the salary fixed by law for the performance of their official duties. Under existing law, officers and employees are also prohibited from engaging in any employment inconsistent, incompatible, in conflict with, or inimical to their duties as state employees.

This bill would provide for dual compensation for these officers and employees by both the state and a nonprofit corporation formed exclusively to aid and assist a state museum, under specified conditions. This bill would provide that the board of directors of the museum shall determine whether the services are incompatible with the state responsibilities of the officer or employee and whether the services rendered to the nonprofit corporation interfere with the officer's or employee's full-time obligations to the state. This bill would also provide that the board of directors shall review any issues of compliance of the nonprofit corporation with the terms of any contractual arrangements with the state.

This bill would provide that state officers and employees may render services to these nonprofit corporations during their office hours, or hours of work for the state, if compensation for these services may be made under these provisions.

This bill would take effect immediately as an urgency statute.

Ch. 1514 (SB 2239) Vuich. Milk. Dairy Products Technology Center.

This bill would appropriate \$200,000 from the General Fund to the Department of Food and Agriculture for allocation to the Trustees of the California State University for use by California Polytechnic State University, San Luis Obispo, to establish a Dairy Products Technology Center. The funds could not be disbursed until the Director of Food and Agriculture determines that nonstate matching funds have been received by the university.

Ch. 1515 (SB 2527) Robbins. Sales and use tax exemptions: printed matter ⁴²

The existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless that sale or use is exempted from that tax.

This bill would exempt from taxation under this law, on and after January 1, 1987, the sale, storage, use, or other consumption in this state of catalogs, letters, circulars, brochures, and pamphlets consisting substantially of printed sales messages for goods and services printed to the special order of the purchaser and mailed or delivered by the seller, the seller's agent, or a mailing house, acting as the agent for the purchaser, through the United States Postal Service or by common carrier to any other person at no cost to that person who becomes the owner thereof.

This bill would require the Legislative Analyst to conduct a study on the effects of the exemption provided by this bill on the state's printing industry and to report its findings to the Legislature no later than June 30, 1991.

Under existing law, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would appropriate \$300,000 to the Controller to make the reimbursements to counties and cities specified in Section 2230.

This bill would take effect immediately as a tax levy.

Ch. 1516 (SB 2110) McCorquodale. Food and agriculture. ⁴³

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(1) Existing law requires that all meat, poultry, or fish when sold either prepared or unprepared, as specified, be sold by weight either determined at the time of sale or appearing on the package or container in which the food is sold. Existing law requires a manufacturer who packages such an item intended for retail sale to mark the net weight of the commodity therein on the package, unless the packages are to be marked by the retailer and a written statement, on a form approved by the Director of Food and Agriculture, to that effect is on file with both the packer and the retailer, as specified

This bill would delete the requirement that the written statement be on file in order to relieve the packer of the necessity to mark the weight on the packages.

The bill would also revise and recast the exception for the sale of ready-to-eat food items from the requirement that meat, poultry, or fish be weighed at the time of sale or that the package be marked with the weight

(2) Existing law establishes a program to fund agricultural pest control research administered by the Department of Food and Agriculture. The Agricultural Pest Control Research Account in the Department of Food and Agriculture Fund is established for the purpose of the program

This bill would transfer \$180,000 from the General Fund to the account, would appropriate these funds from the account to the department for expenditure in accordance with the laws establishing the program, and would require the director to request appropriate funding for the program for the 1987-88 and 1988-89 fiscal years, as specified

(3) The bill would declare that it is to take effect immediately as an urgency statute

Ch 1517 (AB 3168) Campbell Adoptions ⁴⁴

Existing law authorizes the state to reimburse licensed private adoption agencies for the placement of hard-to-place children up to \$2,000 per placement, less the amount of fees paid by the adoptive parents

This bill would change this reimbursement limit to up to \$3,500 per placement, as specified, less the amount of fees paid by the adoptive parents. It would also change the term for referring to these children from "hard-to-place" to "special needs"

The bill would appropriate \$109,500 from the General Fund to the State Department of Social Services for the purposes of this bill.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1518 (SB 1752) Rosenthal Lease of state property

(1) Under existing law, the Director of General Services may lease state property, with the consent of the affected state agency, under specified conditions.

This bill would permit the Director of General Services to enter into a joint powers agreement with the Oakland Redevelopment Agency and a land lease and a lease-purchase agreement with the joint powers agency created under the joint powers agreement, for the purpose of financing and acquiring state office and parking facilities to be constructed in the downtown redevelopment area of the City of Oakland

(2) This bill would permit the Director of General Services, with the consent of the Department of Parks and Recreation and the Department of Transportation, to let to the City of Los Angeles, for a period not to exceed 20 years, and for fair market value, property adjacent to the Sunspot Motel, and which is between that motel and the Pacific Coast Highway, in Pacific Palisades, for the purpose of providing parking for the Sunspot Motel

The bill would require that rental proceeds acquired under the bill from the Department of Transportation property be deposited in the State Highway Account in the State Transportation Fund, and that rental proceeds acquired under the bill from the Department of Parks and Recreation property be deposited in the State Parks and Recreation Fund

The bill would also require that the City of Los Angeles construct a pedestrian overcrossing at this location over the Pacific Coast Highway, within 5 years of the signing of the lease. The state would be permitted to terminate the lease if the city does not construct the overcrossing within 5 years, or extend the time period required for con-

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struction if specified conditions are met.

(3) This bill would permit the Director of General Services to enter into a lease-purchase agreement, an agreement for the appointment of a bond trustee, an amendment to the existing Joint Powers Agreement to provide for a parking structure, and an agreement for the Department of General Services to act as agent for construction matters, all of which shall be with the Joint Powers Authority created under the Joint Powers Agreement dated June 30, 1982, entered into with the Community Redevelopment Agency of the City of Los Angeles in connection with the financing and construction of an office building and parking facilities in the City of Los Angeles. The lease-purchase agreement may provide for space to be used for private commercial purposes.

The bill would require the director to notify the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the committees in each house which consider appropriations, of his or her intention to execute the lease-purchase agreement at least 20 days prior to its execution.

(4) Existing law authorizes the Director of General Services, with the consent of the Department of Corrections, to let to the city of Vacaville for a public purpose, for a period up to 20 years, real property owned by the state to provide a peripheral buffer area or zone between the Vacaville medical facility and adjacent real property.

This bill would provide that the lease authorized by this provision may be renewed, upon its expiration, for an additional period up to 20 years.

Ch. 1519 (SB 2543) Presley. Board of Corrections.

Under existing law, the Board of Corrections is composed of 11 members, 8 of whom are appointed by the Governor. These 8 members are required to include specified persons, including a member of a statewide parole board and an employee of a state correctional facility who is involved in custody or care and treatment.

This bill would eliminate those 2 gubernatorial appointees and, instead, require the appointment of an employee of a local detention facility whose primary responsibility is staff training, and a manager or administrator of a county local detention facility.

Existing law requires the Board of Corrections to set standards for and inspect local detention facilities.

This bill would specify that a local detention facility does not include those rooms that are used for holding persons for interviews, interrogations, or investigations, and are either separate from a jail or located in the administrative area of a law enforcement facility.

The County Correctional Facility Capital Expenditure Bond Act of 1986 authorized the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$495,000,000 to provide for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities.

This bill would appropriate \$20,000,000 of that amount to the Youth Authority for juvenile facilities, as specified, except that up to \$200,000 would be for administrative expenses and for an assessment study.

The bill would appropriate the remainder to the Board of Corrections for allocation for county jail facilities or medical facilities for mentally ill prisoners. The funds would be allocated for the allocations specified under previous bond acts, and additional amounts, in accordance with a schedule and supplementary provisions.

The bill would require counties to comply with specified requirements related to proposed projects including a 25% match of funds. This bill would require the Board of Corrections to appoint 3 ad hoc advisory committees, comprised of not more than 9 members of each committee, to establish standards relating to mental health, intoxication, and alternatives to incarceration, for purposes of determining whether county jail project proposals comply with specified provisions of existing law.

The bill would prohibit the expenditure of any state funds for the construction of an adult jail facility in a charter city in the vicinity of a baseball and football stadium and a major amusement park, as specified.

The bill would declare that it would take effect immediately as an urgency statute.

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Ch. 1520 (SB 2082) Marks. Courts: San Francisco and Marin Counties.

(1) Existing law provides for 29 superior court judges for San Francisco.

This bill would reduce the number of superior court judges for San Francisco from 29 to 28, but the reduction would not affect existing judges.

(2) Existing law specifies the number, compensation, and classification of employees of the superior and municipal courts in San Francisco, and the number and classification of employees of the Municipal Court established in the Central Judicial District in Marin County.

This bill would revise the number, compensation, and classification of the employees of the superior and municipal courts in San Francisco, and the number and classification of employees of the Municipal Court in the Central Judicial District in Marin County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1521 (AB 3937) N. Waters. Tuolumne County Traffic Authority.

(1) Under existing law, there is no general authority to establish a county traffic authority.

This bill would enact the Tuolumne County Road Facilities Improvement Act to create the Tuolumne County Traffic Authority with a specified membership, would establish its powers and functions, would permit the imposition of a retail transactions and use tax of 1% or $\frac{1}{4}\%$ within the unincorporated area of the county or within the City of Sonora, if the majority of voters of the county or city, respectively, approve, for highway purposes in Tuolumne County, and would permit the issuance of bonds.

The bill would impose a state-mandated local program by requiring the county to conduct elections within the county and the city.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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DIGESTS OF STATUTES
ENACTED IN 1986

1985-86 FIRST EXTRAORDINARY SESSION

BILL CHAPTERS

None

DIGESTS OF RESOLUTIONS AND PROPOSED
CONSTITUTIONAL AMENDMENTS

ADOPTED IN 1986

1985-86 REGULAR SESSION

RESOLUTION CHAPTERS**Res. Ch. 1 (ACA 7) Mountjoy. Nonpartisan offices.**

Existing provisions of the California Constitution provide that judicial, school, county, and city offices shall be nonpartisan. Existing case law authorizes a political party or a party central committee to endorse, support, or oppose a candidate for nonpartisan office.

This measure would provide that no political party or party central committee may endorse, support, or oppose a candidate for nonpartisan office.

Res Ch. 2 (SCA 28) Ellis Property taxation: disasters

Existing provisions of the California Constitution, with certain exceptions, place a limitation on ad valorem taxes on real property of 1% of the full cash value of that property. For purposes of this limitation, full cash value is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. For purposes of those provisions, the term "newly constructed" does not include real property which is reconstructed after a disaster, as declared by the Governor, where the fair market value of the real property, as reconstructed, is comparable to its fair market value prior to the disaster.

This measure would require the Legislature to provide that the base-year value of property which is substantially damaged or destroyed by a disaster, as declared by the Governor, may be transferred to comparable property, within the same county, that is acquired or newly constructed as a replacement for the substantially damaged or destroyed property.

This measure would apply to any comparable replacement property acquired or newly constructed on or after July 1, 1985, as specified.

Res. Ch. 3 (SCR 57) Vuich Rural Crime Prevention Month.

This measure would designate February 1986 as Rural Crime Prevention Month, commend the California Rural Crime Prevention Task Force, and encourage the people of California to support the efforts of the task force.

Res. Ch. 4 (SCR 52) Dills. Joint Committee on the State's Economy.

This measure would continue the existence of the Joint Committee on the State's Economy through November 30, 1986.

Res Ch. 5 (SCR 51) Roberti. Joint Rules, recess; deadlines.

This measure would amend the joint rules to change the period of the 1986 summer recess, which would presently be from July 3 until August 4, to the period of July 11 until August 11. The measure also would change the 1986 deadline for policy committees to meet and report non-fiscal bills from August 8 to July 11.

Res Ch. 6 (SJR 39) Marks. Ports: emergency response services

This measure would memorialize the Congress and the President to include in the Water Resources Development Act of 1985 (S. 1567) specified provisions contained in H.R. 6 concerning financial assistance for emergency response services in ports and to enact those provisions into law.

Res. Ch. 7 (AJR 82) Papan. Memorializing U.S. astronauts' moons of Uranus.

This measure would propose to scientific and federal authorities that the 10 recently discovered moons of Uranus be named for the 10 astronauts who have died in the service of the United States of America.

Res. Ch. 8 (AJR 60) Kelley. National Historical Trail System.

This measure would memorialize the Congress of the United States to enact appropriate legislation designating the Juan Bautista de Anza Trail as a component of the National Trails System.

Res. Ch. 9 (ACR 99) Hauser Women's history week.

This measure would designate March 2 through 8, 1986, as Women's History Week and would urge the celebration of International Women's Day on March 8, 1986.

Res. Ch. 10 (AJR 10) Hauser Magnuson Fishery Conservation and Management Act

This measure would memorialize the President and Congress to enact legislation to amend the Magnuson Fishery and Conservation Act of 1976.

Res. Ch. 11 (AJR 61) Frizzelle. The Santa Ana River Basin.

This measure would memorialize the President, Congress of the United States, and the Chief of the United States Army Corps of Engineers, to authorize and move expeditiously to complete the Santa Ana River Basin Project

Res. Ch. 12 (SCR 54) Stiern. California State University

This measure would commend the California State University for its 25 years of service to the people of California

Res. Ch. 13 (SCR 58) Campbell Alcohol and drug abuse.

This measure would declare that the month of March 1986 is designated Drug and Alcohol Abuse Awareness Month in this state.

Res. Ch. 14 (ACR 104) Hughes Delta Sigma Theta Sorority.

This measure would commend the Delta Sigma Theta Sorority, and would proclaim March 10, 1986, as "Delta Day "

Res. Ch. 15 (ACR 87) Hauser Allen Frederick Lehman Bridge

This measure would designate Bridge 1-16 on State Highway Route 199 in Del Norte County as the Allen Frederick Lehman Memorial Bridge

Res. Ch. 16 (ACR 88) Statham Moon Lim Lee Safety Roadside Rest Area.

This measure would designate the safety roadside rest area 5 miles east of Weaverville on State Highway Route 299 as the Moon Lim Lee Safety Roadside Rest Area and would direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect those plaques and markers upon receiving private donations covering that cost

Res. Ch. 17 (ACR 123) Harris The United States Military Academy Cadet Gospel Choir

This measure would honor and commend the United States Military Academy Cadet Gospel Choir.

Res. Ch. 18 (ACR 108) Condit National Agriculture Week: Agriculture Day.

This measure would proclaim the week of March 16 through March 22, 1986, as National Agriculture Week and March 20, 1986, as Agriculture Day.

Res. Ch. 19 (AJR 67) Bradley Federal income taxation

This measure would memorialize the President and Congress of the United States to continue the current tax treatment of life insurance in any revision of federal income tax law which is enacted.

Res. Ch. 20 (ACR 78) Kelley. State highways Route 79

This measure would request that the Department of Transportation study the feasibility and cost of changing State Highway Route 79 from its current alignment through San Jacinto and Hemet to an alignment which generally follows Sanderson Avenue from Ramona Boulevard to Route 74.

Res. Ch. 21 (ACR 130) Farr California Coastal Act.

This measure would designate 1986 as the "Tenth Anniversary Year of the California Coastal Act of 1976" and April as the "Month of the Coast "

Res. Ch. 22 (ACR 72) Hauser. Transportation: study. north coast.

This measure would request the Department of Transportation to study the availability of transportation services in the north coast area, with particular emphasis on the State Highway Route 101 corridor from Santa Rosa to Eureka, and the impact of those services on the local economy. The measure would also request the department to report its findings from the study and any recommendations it may develop to the Legislature and the California Transportation Commission not later than January 1, 1987.

Res Ch 23 (ACR 109) Agnos Joint Oversight Committee on GAIN Implementation.

Under existing law, the Greater Avenues for Independence Act of 1985 (GAIN), provides for an employment and training services program for Aid to Families with Dependent Children (AFDC) program assistance recipients to acquire unsubsidized employment.

This measure would establish the Joint Oversight Committee on GAIN Implementation. The committee would be authorized to conduct hearings and develop recommendations to address concerns in the implementation of the GAIN program, develop policy recommendations on GAIN related issues, and develop recommendations on funding methods for achieving GAIN goals. The measure would authorize the Assembly Committee on Rules to make money available from the contingent funds of the Assembly in the amount deemed necessary for the expenses of the joint committee.

Res. Ch. 24 (AJR 55) Naylor Research and development federal income tax credit

This measure would memorialize the President and Congress of the United States to enact legislation to make permanent the research and development federal income tax credit.

Res. Ch. 25 (AJR 51) Naylor. Solar energy tax credits.

This measure would memorialize the President and the Congress of the United States to support extension of the federal solar tax credit with a graduated phaseout of the credit.

Res Ch 26 (ACR 127) Katz Earthquake Preparedness Week

This measure would proclaim the week of April 14 to 18, 1986, as California Earthquake Preparedness Week and urge all Californians to engage in appropriate earthquake safety-related activities during that week

Res. Ch 27 (ACR 105) Seastrand. National Day of Prayer.

This measure recognizes Thursday, May 1, 1986, as the "National Day of Prayer "

Res Ch. 28 (ACR 115) Katz Holocaust Memorial Week

This measure would designate the week of May 4 through May 11, 1986, as Holocaust Memorial Week, and would urge Californians to observe appropriately these Days of Remembrance for the Victims of the Holocaust.

Res Ch 29 (ACR 128) Katz Small business

This measure would request the Governor to proclaim, in conjunction with the national designation thereof, the week of May 19 through May 23, 1986, as California Small Business Week.

Res Ch. 30 (ACR 137) Nolan Better Hearing and Speech Month

This measure would proclaim the month of May as Better Hearing and Speech Month

Res. Ch 31 (AJR 83) Papan. Firing of Lee Iacocca from the Statue of Liberty-Ellis Island Centennial Commission

This measure would request the Secretary of Interior to immediately reinstate Lee Iacocca to the position of Chairman of the Statue of Liberty-Ellis Island Centennial Commission. The measure also expresses the opposition of the Legislature to any commercialization of Ellis Island.

Res. Ch. 32 (SCR 87) L. Greene Working Women's Awareness Week.

This measure would designate the week of May 4-10, 1986, to be Working Women's Awareness Week.

Res. Ch. 33 (ACR 135) O'Connell. Toxic Awareness Week

This measure would proclaim the week of May 11, 1986, as "Toxic Awareness Week," and would encourage the public, schools, and businesses to take related actions concerning hazardous materials safety awareness.

Res. Ch. 34 (SJR 53) Rosenthal. United Nations

This measure would urge the General Assembly of the United Nations to repudiate Resolution 3379 which states that Zionism is a form of racism.

Res. Ch. 35 (ACR 134) Clute. Veterans employment

This measure would encourage all California employers to hire veterans, especially disabled veterans, and would designate the week of May 4 to 10, 1986, as "Hire a Veteran Week"

Res. Ch. 36 (SCR 72) Torres. Hunger in America.

This measure would urge all Californians to join in the Hands Across America event, or in other supportive activities, to be held on May 25, 1986

This measure would also request that the Governor proclaim May 25, 1986, as "Hands Across America for Hunger Day."

Res. Ch. 37 (AJR 56) Chacon. Log homes

This measure would memorialize the Congress and the President to enact legislation to facilitate the financing of log home acquisition, memorialize the federal Department of Energy to recognize the mass value of log homes in determining appropriate energy standards, and memorialize that Federal Housing Administration and Veterans Administration guarantees be available to loans for purchase of log homes.

Res. Ch. 38 (SCR 71) Mello Sister region/state Catalonia

This measure would provide that California recognize, honor, and celebrate the contributions that Father Junipero Serra and Gaspar De Portola have made to California's history as well as the contribution that Spanish culture has made to the language, art, and architecture of California.

This measure would also extend to the people of the Spanish Region of Catalonia an invitation to join California as a sister region/state, in order to encourage artistic, academic, and cultural exchanges, and to lead to a more indelible friendship and lasting relationship between Californians and Catalonians.

Res. Ch. 39 (SCR 93) Dills Chiropractors

This measure would recognize the care which chiropractors have provided to health care consumers of this state and would designate the week of May 26 - June 1, 1986, as "California Chiropractic Wellness Week."

Res. Ch. 40 (SJR 26) Marks. Filipino war veterans. United States citizenship.

The measure would memorialize the President and Congress to support and enact legislation extending United States citizenship to Filipino veterans of World War II

Res. Ch. 41 (SCR 83) Robbins Skin cancer and melanoma

This measure would declare the period from May 26, 1986, to June 1, 1986, inclusive, as Skin Cancer and Melanoma Detection Week.

Res. Ch. 42 (ACR 101) Klehs Relative to safe housing

This measure encourages, supports, and recommends that the crime prevention dog "McGruff" be the symbol for a safe house program in local communities which would serve as a refuge for children who are frightened, harassed, injured, lost, in danger, crime victims, or caught in emergency situations

Res. Ch. 43 (ACR 125) Wright. Marine recreational fishing

This measure would urge that state agencies with appropriate jurisdiction be advised that marine recreational fishing in southern California is an important source of jobs, taxes, recreation, and revenues and be informed that marine fish species should be maintained at population levels which would support that activity. The measure would also state that living marine resources population be managed in accordance with a specified policy.

Res. Ch. 44 (ACR 132) Vicencia. Child abuse.

This measure would designate the month of April 1986 as Child Abuse Prevention Month.

Res. Ch. 45 (AJR 74) Agnos. Social Security death benefits.

This measure would memorialize the President and the Congress of the United States to enact legislation which would amend Title II of the Social Security Act to reform the benefit payment procedures which are followed upon the death of an insured individual or beneficiary by (1) providing for the payment of a realistic lump-sum death benefit to the surviving spouse, dependents, other survivors, or any other person or persons assuming responsibility for the burial expenses of the insured individual or beneficiary, and (2) providing final payment of Social Security benefits for the month during which an insured individual or beneficiary dies.

Res. Ch. 46 (AJR 86) Papan. Preventative health care for children.

This measure would declare that it is the goal of the Legislature to ensure that all children have available preventative health care coverage and would memorialize the President and Congress to also do so.

Res. Ch. 47 (SJR 41) Bergeson. Mediterranean fruit fly eradication.

This measure would memorialize the President and Congress to fund the Animal and Plant Health Inspection Service of the United States Department of Agriculture so that it may continue the Guatemala Mediterranean fruit fly program and undertake further eradication efforts of this pest in Central America.

Res. Ch. 48 (AJR 93) Peace. Recent military actions of the United States in Libya.

This measure would express the support of the Legislature for the recent decision of the President of the United States to use military force in Libya.

Res. Ch. 49 (SCR 73) Beverly. John F. Foran Freeway.

This measure would designate Interstate 280 from the San Francisco-San Mateo county line to 6th Street in San Francisco as the John F. Foran Freeway.

The measure would also request that the Department of Transportation determine the cost of appropriate signs showing this official designation and, upon receiving donations from private sources to cover that cost, to erect those signs.

Res. Ch. 50 (ACR 38) McClintock. Postsecondary education relative educational costs in technical fields of study.

This measure would request that the University of California, and the California State University, report to the California Postsecondary Education Commission regarding allocation of resources for academic support among various technical and specialized fields, as specified. This measure would request that the University of California and the California State University cooperate with and assist the commission, as specified.

Further, this measure would request that the commission convey the results of these reports along with any recommendation to the Legislature and the Governor, as specified.

Res. Ch. 51 (ACR 95) Johnston. Ort J. Lofthus Freeway.

This measure would designate the portion of State Highway Route 4 from Interstate Highway 5 to State Highway Route 99 as the Ort J. Lofthus Freeway.

The measure would also direct the Department of Transportation to determine the

cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources covering that cost.

Res. Ch. 52 (ACR 96) Bates. Interstate Route 80: San Pablo corridor: transportation study

This measure would request the Metropolitan Transportation Commission to conduct a comprehensive transportation study, as specified, of the San Pablo corridor portion of Interstate Route 80 from the San Francisco-Oakland Bay Bridge through Solano County in cooperation with the Department of Transportation, local transit operators, cities and counties in the San Pablo corridor, transportation advisory groups, and interested citizens, and to submit the study to the Legislature within 18 months of adoption of the measure.

Res. Ch. 53 (ACR 102) Hauser. Bernard A Hemenway Memorial Bridge

This measure would designate the bridge crossing the Van Duzen River at post mile marker 13.7 on State Highway 36 in Humboldt County as the Bernard A Hemenway Memorial Bridge.

The measure would direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this special designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers.

Res. Ch. 54 (ACR 103) Hauser. Silvio "Botchie" Santi Memorial Bridge

This measure would designate the bridge crossing the Van Duzen River at post mile 18.3 on State Highway Route 36 in Humboldt County as the Silvio "Botchie" Santi Memorial Bridge

The measure would direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this official designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers.

Res. Ch. 55 (ACR 152) Davis. Anne Frank Day.

This measure would proclaim June 12, 1986 as "Anne Frank Day" in California.

Res. Ch. 56 (SJR 56) B. Greene. Save American Industry and Jobs Day

This measure would memorialize the United States Congress to proclaim June 21, 1986, as Save American Industry and Jobs Day.

Res. Ch. 57 (SCA 32) Deddeh. Legislators' Retirement System: allowances-limitations

The existing California Constitution does not limit retirement allowances paid by the Legislators' Retirement System to statewide-elected, nonjudicial, state constitutional officers or their survivors or beneficiaries.

This measure would prohibit the retirement allowances from the Legislators' Retirement System for certain statewide-elected, nonjudicial, state constitutional officers or their survivors or beneficiaries from being increased or affected in any manner by changes on or after November 5, 1986, in the compensation payable to the incumbents of those offices and would express its related intent and related findings

Res. Ch. 58 (SJR 42) Robbins. Veterans' Administration: disposal of property

This measure would memorialize the President, Congress, and the Veterans' Administration to do everything possible to prevent disposal of certain property of the Veterans' Administration Hospital facility in Sepulveda operated as a Little League playing field pursuant to an agreement between the hospital and Mission Hills Little League, Inc

Res. Ch. 59 (ACR 146) Wyman Corazon C Aquino: invitation to address Legislature

This measure would invite Her Excellency, Madame President Corazon C Aquino, President of the Republic of the Philippines, to address the houses of the Legislature

Res. Ch. 60 (AJR 97) Tanner. Save American Industry/Jobs Day.

This measure would memorialize the United States Congress to proclaim June 21, 1986, as Save American Industry/Jobs Day

Res. Ch. 61 (ACA 2) Hannigan. Property taxation: change in ownership.

Existing provisions of the California Constitution, with certain exceptions, place a limitation on ad valorem taxes on real property of 1% of the full cash value of that property. For purposes of this limitation, full cash value is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment

This measure would provide that for purposes of the above provisions, "purchased" and "change in ownership" do not include the purchase or transfer of real property between spouses or between parents and their children, as specified.

Res. Ch. 62 (AJR 90) Condit. Richard E. Lyng

This measure would congratulate Richard E. Lyng on his confirmation as United States Secretary of Agriculture

Res. Ch. 63 (SJR 40) Torres. Agricultural export: food embargoes

This measure would memorialize the President and Congress of the United States to refrain from using food embargoes as a unilateral sanction against unfriendly nations when such an action would be likely to cause harm to the agricultural and trade sectors of the United States and this state unless specified conditions exist

Res. Ch. 64 (SJR 45) Marks. Evacuation, relocation, and internment of persons of Japanese ancestry.

This measure would memorialize the President and the Congress to enact House Resolution 442, the "Civil Rights Act of 1985," which would, among other things, make monetary restitution to those individuals who suffered hardship as a result of Executive Order No. 9066 which caused the evacuation, relocation, and internment of persons of Japanese ancestry during World War II.

Res. Ch. 65 (ACR 93) McAlister. California Law Revision Commission.

Existing law requires the California Law Revision Commission to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, including a list of studies in progress and a list of topics intended for future consideration, and, after the filing of the commission's first report, its studies are confined to topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study, or referred to it for study, by concurrent resolution of the Legislature.

This measure would give legislative approval to the commission to continue its study of numerous, specified topics which the Legislature has previously authorized or directed the commission to study.

Res. Ch. 66 (SCA 26) Roberti. County officers: district attorney election

The Constitution presently requires the Legislature to provide for an elected governing body and an elected sheriff in each county not governed by a charter, and permits the Legislature or the county governing body to provide for other county officers

The Constitution similarly requires county charters to provide for an elected governing body and an elected sheriff, and permits the charter to provide for the appointment or election of other county officers.

This measure would require that the office of district attorney be an elective office in both chartered and general law counties

Res. Ch. 67 (SCR 62) Bergeson. Arts instruction

This measure would urge the restoration of arts instruction to the school curriculum.

Res. Ch. 68 (SCR 77) Keene. Governor Hiram W. Johnson.

This measure would designate as the Governor Hiram W. Johnson Memorial Parkway that section of roadway on the grounds of the State Capitol which is the extension of Capitol Avenue between 15th Street and the State Capitol.

The measure would require the Department of General Services to erect plaques and markers to show this official designation upon receiving donations to cover the cost of erecting the plaques and markers.

Res. Ch. 69 (SCR 88) Stiern Joint Legislative Budget Committee. funding

Under existing law, the Joint Legislative Budget Committee is responsible for ascertaining facts and making recommendations to the Legislature regarding the State Budget, the revenues and expenditures of state government, the organization of state government, and other matters referred to the committee pursuant to the Joint Rules or the provisions of various statutes.

This measure would, pursuant to the Budget Act of 1986, transfer \$3,015,000 from the Senate Contingent Fund and \$3,015,000 from the Assembly Contingent Fund, or so much thereof from each fund as may be necessary, for support of the Joint Legislative Budget Committee.

Res. Ch. 70 (ACR 116) McClintock. Enforcement of state litter laws.

This measure would request the Department of the California Highway Patrol and all local law enforcement agencies to diligently enforce the litter laws of this state.

Res. Ch. 71 (ACR 119) W. Brown. Employment discrimination clinics.

This measure would state that it is desirable that public and private law schools establish employment discrimination clinics similar to the clinic established at the University of California Law School in Berkeley, in conjunction with the Department of Fair Employment and Housing, and that the department continue to operate that clinic.

Res. Ch. 72 (AJR 80) Bates. Federal census: disabilities

This measure would memorialize the Congress and the President of the United States to require the collection of information on all forms of disabilities in the 1990 census.

Res. Ch. 73 (AJR 88) Hauser Federal Section 8 housing assistance.

This measure would memorialize the President and the Congress to enact legislation to provide the funds necessary for local housing authorities to administer the federal Section 8 housing assistance program.

Res. Ch. 74 (AJR 92) N. Waters. Western States Trail Ride. Western States Endurance Run. Granite Chief Wilderness

This measure would urge specified actions by the United States Forest Service and Congress with respect to the 100-mile Western States Trail Ride and the 100-mile Western States Endurance Run in the Granite Chief Wilderness.

Res. Ch. 75 (ACA 5) Elder. Property taxation: full cash value

Existing provisions of the California Constitution, with certain exceptions, place a limitation on ad valorem taxes on real property of 1% of the full cash value of that property. For purposes of this limitation, full cash value is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment.

This measure would permit the Legislature to provide, as specified, for an exception to reappraisal upon purchases, changes in ownership, or new construction of real property by means of authorizing any person over the age of 55 years who resides in property which is eligible for the homeowner's exemption to transfer the base year value of their principal residence to a replacement dwelling, as defined, of equal or lesser value located within the same county which is purchased or newly constructed as a principal residence within 2 years of the sale of the original property. This measure would exclude from its application replacement dwellings which were purchased or newly constructed

prior to its effective date.

Res. Ch. 76 (ACR 118) Bates Osteoporosis.

This measure would request that the University of California assess, by January 1, 1987, the need for further research, as specified, on the treatment and prevention of osteoporosis.

Res. Ch. 77 (ACR 122) Filante. Athletic endorsements.

This measure would commend those athletes who have unselfishly given their time and energy to the children of the State of California, and would urge the athletic community to realize the role it plays in influencing the actions and manners of children of the State of California

Res. Ch. 78 (ACR 117) Calderon. California Teachers of Tomorrow Clubs

This measure would request teachers, administrators, and education organizations to initiate the formation of California Teachers of Tomorrow Clubs to encourage students to pursue a career in the teaching profession, the State Department of Education to develop guidelines for their formation, and postsecondary education institutions to initiate certain programs to interest and support high school students in pursuing a teaching career.

Res. Ch. 79 (ACR 133) Hayden. Student financial aid.

This measure would direct the Student Aid Commission to conduct a study of student loan debt, financing alternatives, and default tendencies, as specified, and to appoint a task force to assist it in this regard

This measure would further direct the Student Aid Commission to submit the results of its study to designated entities of postsecondary education and, subsequently, to the Governor and to the education policy committees of the Legislature

Res. Ch. 80 (AJR 72) Moore. Telephone service rate regulation.

This measure would memorialize the President and Congress to investigate the usurpation of state authority over intrastate telephone service by the Federal Communications Commission and to amend the Communications Act of 1934 to preserve this authority, and would support the Public Utilities Commission in its position before the Federal Communications Commission and the federal courts concerning the authority of the states to regulate, among other things that affect local telephone rates, accounting methods.

Res. Ch. 81 (AJR 84) Hauser. Federal income taxation

This measure would memorialize the Congress of the United States to support maintenance of the current rules for deducting timber management expenses and to support continuation of capital gains treatment of timber income

Res. Ch. 82 (SJR 65) Petris. Cyprus.

This measure memorializes the President and Congress of the United States to take specified action regarding the Turkish presence in Cyprus.

Res. Ch. 83 (SCR 98) Marks. Sexual Violence Awareness Week.

This measure would recognize the 2nd week of October 1986, and the 2nd week of October of each year thereafter, as Sexual Violence Awareness Week.

Res. Ch. 84 (SJR 48) Rosenthal. Santa Monica Bay: cleanup funding.

This measure would support and endorse the effort by the Representatives from California in Congress to place Santa Monica Bay on the Environmental Protection Agency's "National Priorities List" for removal and remedial action funding and would also support an agreement by the Environmental Protection Agency to assess the condition of Santa Monica Bay.

Res. Ch. 85 (SJR 63) Garamendi. Federal disaster assistance

This measure would memorialize the President and Congress of the United States to

prohibit the adoption of proposed federal regulations on the disaster declaration process, public assistance eligibility, public assistance program administration, and hazard mitigation and to convene related oversight hearings.

Res Ch. 86 (SCR 68) Keene. State employees' leaves of absence.

This measure would request state agencies to grant paid leaves of absence to state employees in specified Northern California counties who were unable to attend their state positions as a result of the storm commencing on February 12, 1986

Res Ch. 87 (SJR 60) Montoya Individual retirement accounts: tax reform.

This measure would memorialize the Congress and the President of the United States to maintain the sheltered status of individual retirement accounts in any tax reform statute which they may enact.

Res Ch 88 (ACR 92) Duffy. State highways: Route 65.

This measure would designate the State Highway Route 65 bypass near Roseville as the Harold T "Bizz" Johnson Expressway and the overcrossing near Roseville the Charles J. La Porte Memorial Bridge. The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and, upon receiving donations from private sources covering that cost, to erect the plaques and markers.

Res. Ch. 89 (SJR 33) Watson. Hospital care

This measure would urge the Congress of the United States and the United States Department of Health and Human Services, when formulating the cost of providing hospital care to Medicare recipients, to establish hospital reimbursement rates, under the Medicare Prospective Payment System, that will fairly and equitably reflect the unique economic conditions which affect the cost of providing hospital care to Medicare recipients in higher-cost states, such as California, Illinois, and Massachusetts, and regions such as the West, Midwest, and Northeast.

Res. Ch 90 (SJR 50) Torres Exporting new drugs.

This measure would memorialize the Congress of the United States and the federal government to enact remedial legislation designed to permit the exportation of new drug products that, while pending final Food and Drug Administration approval in this country, have fully complied with the health and safety laws, standards, and regulations of the country to which the products are being exported. This measure would also memorialize the Congress of the United States to take every precaution to ensure that countries without a testing program as sophisticated and rigorous as the testing programs that exist in the United States be fully protected from unsafe and nonefficacious products.

Res Ch. 91 (SCR 65) Russell. Alcoholic beverages

This measure would request the Department of Alcoholic Beverage Control to conduct hearings relating to the elimination of specified marketing practices which promote the overconsumption of alcoholic beverages, to consider the adoption of rules to prohibit those practices, and to report to the Legislature on or before January 1, 1988, as to the results of any action taken.

Res. Ch. 92 (SCR 75) Robbins. Ventura Freeway murals

This measure would request the Department of Transportation to assist the Tarzana Chamber of Commerce in the painting of murals on the life and adventures of Tarzan on the Ventura Freeway underpasses in the Community of Tarzana. The work could not commence until an agreement is entered into between the City of Los Angeles and the department.

Res. Ch. 93 (SCR 81) Torres. Victims of crimes claims process.

This measure would urge law enforcement agencies, state and federal agencies and departments, employers, medical providers, insurance companies, and attorneys, to

respond to the State Board of Control's request for verification information within 10 business days, as required

Res. Ch. 94 (SCR 86) Marks. General Douglas MacArthur Tunnel.

This measure would designate the tunnel on Park Presidio Boulevard in the City and County of San Francisco the General Douglas MacArthur Tunnel. The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources covering that cost.

Res. Ch 95 (ACR 100) Johnson. State highways. Route 57 Jim Downing memorial.

This measure would request the Department of Transportation to lend its support and assistance to the placement on the State Highway Route 57 right-of-way in Orange County of a permanent nonreligious memorial commemorating the death of Jim Downing in an automobile accident

Res Ch. 96 (ACR 111) Statham State Highway Route 89.

This measure requests that State Highway Route 89 be designated as a Blue Star Memorial Highway and that the Department of Transportation accept an official marker to be placed at an appropriate location.

Res Ch 97 (ACR 112) N. Waters Frank F. Momyer Bypass

This measure would designate that portion of State Highway Route 108 known as the Sonora Bypass as the Frank F Momyer Bypass

Res Ch 98 (ACR 120) Wyman. Merit awards.

This measure would authorize the awarding of specified merit awards, which have been authorized by the Department of Personnel Administration.

Res Ch 99 (ACR 155) Areias Merit Awards Program

This measure would recognize and commend all state employees, past and present whose participation in the State Merit Awards Program, now in its 37th year, has contributed to the economy and efficiency of California's state government.

Res. Ch 100 (ACR 157) Papan California Senior Legislature Week.

This measure would declare the first week of October as "California Senior Legislature Week."

Res. Ch. 101 (SJR 43) Rosenthal Home audio recording. copyright.

This measure would memorialize the Congress and President to enact H. R. 2911 and S. 1739 in a form requiring manufacturers and importers of blank audio tape and taping equipment to justly compensate artists and rights owners for the unauthorized rerecording of their creations

Res. Ch. 102 (SJR 46) Torres Missing children

This measure memorializes Congress to enact House Resolution No 604 and Senate Bill No 1174 of the 99th Congress to provide states with assistance to establish or expand clearinghouses to locate missing children.

Res. Ch. 103 (SJR 67) Beverly. California State University, Long Beach.

This measure would state the Legislature's approval of the corporate existence of the nonprofit California corporation known as the Forty-Niner Shops, Inc , an auxiliary organization of California State University, Long Beach.

This measure would also state the Legislature's approval, under specified conditions, of the form of obligations to be issued by the Forty-Niner Shops, Inc., for the renovation of its campus food service facilities

Res. Ch. 104 (SCR 84) Vunch. Public Utilities Commission. agricultural electric rates

This measure would request the Public Utilities Commission, in considering applications for electric rate increases affecting agricultural customers, to consider, in light of previously approved increases, the increased efficiency of agricultural electric consumption and decreased demand by agricultural customers and to consider the importance of implementing rate reductions during the growing season.

Res. Ch 105 (SCR 95) Torres Los Angeles Central Library

This measure would express the regret of the Legislature concerning the recent fire which struck the Los Angeles Central Library Building and would commend and thank the firefighters who fought that fire. The measure would also pledge the support of the Legislature for, and urge all Californians to join in, efforts to replace lost library materials and to secure new quarters for the Los Angeles Central Library.

Res. Ch. 106 (SCR 104) Roberti Joint Rules; final recess.

This measure would provide that notwithstanding any other Joint Rule, the Legislature shall be in final recess on August 31, 1986, until adjournment sine die on November 30, 1986.

Res. Ch. 107 (AJR 87) Robinson. Transportation: 55 mph speed limit.

This measure would memorialize the President and Congress to (1) revise the federal 55 mph National Maximum Speed Limit testing and reporting process to better reflect safety priorities, (2) exempt safety projects from sanctions, and (3) authorize California to selectively increase speed limits on rural interstate freeways

Res. Ch 108 (AJR 94) Hauser Commercial fishing vessels: Jones Act.

This measure would memorialize the President and the Congress to amend the Jones Act to allow commercial fishermen the option of coverage by the state workers' compensation program or other remedies which may resolve the problem of rising insurance rates for commercial fishing vessels

Res. Ch. 109 (ACR 121) Harris Aquatic Habitat Institute

This measure would urge state, federal, and local agencies and private industries and individuals to support the work of the Aquatic Habitat Institute, and would urge state agencies to utilize the services of the institute.

The measure would encourage state agencies to develop a relationship with the institute patterned after the relationship between the National Academy of Sciences and the federal government, and would recognize the institute as the coordinator of research and long-term archives of data for San Francisco Bay, subject to specified conditions

Res. Ch 110 (ACR 139) Rogers Oil well abandonment

This measure would urge local governments to refrain from requiring the abandonment of oil wells which have been shut down due to depressed oil prices unless it can be further established that no future oil production will be lost. The measure would also urge local governments to suspend abandonment requirements of shutdown wells until that time when oil prices reach a level where production of these wells again becomes economically feasible

Res. Ch. 111 (ACR 171) W Brown Joint Rules, final recess

This measure would provide that notwithstanding any other Joint Rule, the Legislature shall be in final recess on September 16, 1986, until adjournment sine die on November 30, 1986.

Res. Ch. 112 (ACR 82) Hayden. University of California. Pacific Rim studies

This measure would request the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges, to conduct a study of, and report to the California Postsecondary Education Commission on, the role of the respective institutions and particular campuses in meeting the needs of the state in furthering its economic position and leader-

ship within the Pacific Rim region and in carrying out its responsibilities to immigrants of Pacific Rim countries.

The measure would request the California Postsecondary Education Commission to review the reports, compile them, and make recommendations to the Legislature and Governor not later than July 1, 1987.

Res Ch 113 (ACR 89) Farr. Economic development.

This measure would establish the State Executive Steering Committee on the Superconducting Super Collider (SSC) to advise the Committee on Economic Development and New Technologies, the Joint Committee on Science and Technology, the Governor, and each Senator and Representative in the Congress of the United States regarding the effort to attract the SSC to California.

This measure would also provide that it is the intent of the Legislature that all relevant state agencies provide all assistance necessary to the State Executive Steering Committee in order that the people of California can enjoy the economic and scientific benefits which will result from attracting the SSC to the state

Res Ch 114 (ACR 113) Moore Public utilities accounting procedures

This measure would request the Public Utilities Commission to investigate public utility accounting practices, including accounting practices for transactions between public utilities and affiliates, and to submit a report to the Legislature on or before January 1, 1987, concerning accounting procedures for public utilities and their affiliates

Res. Ch. 115 (ACR 141) Hayden Education

This measure would direct the California Postsecondary Education Commission to study talent development, value-added, and performance-based budgeting approaches to measuring and improving the quality of education, as specified. The commission would be assisted in its study by a Task Force on Value-Added Approaches to Higher Education, which would be appointed by the commission. This measure would specify the composition of the membership of the task force.

The measure would further direct the commission to submit a report on its findings and conclusions to specified organizations by March 1, 1987.

Res Ch. 116 (ACR 143) Cortese. Criminal justice.

This measure would provide for the appointment of a 13-member advisory committee to review the current state and county share of the costs of the state and local criminal justice system, and would require the advisory committee to submit a report to the Legislature on the results of its review on or before March 30, 1987.

Res. Ch. 117 (ACR 149) Tucker Rural health facilities

This measure would request the State Department of Health Services to inform the Legislature, no later than February 1, 1987, of the feasibility of creating a new health facility classification for isolated rural areas incorporating certain features. It would additionally request the state department to inform the Legislature on plans for the support of isolated rural hospitals, as specified, if the department determines that the creation of a new health facility classification is not feasible

Res. Ch 118 (ACR 163) Papan Greg LeMond.

This measure would commend Greg LeMond for his victory in the 73rd Tour de France and for his other accomplishments in the sport of cycling

Res. Ch 119 (AJR 91) Hauser. Marine sanctuary.

This measure would memorialize the Congress of the United States to enact legislation creating a marine sanctuary from Point Buchon to the Oregon border, as specified, and would request that recommendations be developed and submitted to California for the establishment of compatible zones in adjacent state waters.

Res. Ch 120 (SCR 53) Dills Penalty assessments traffic assessments. Legislative Analyst study

This measure would require the Legislative Analyst to study the use of penalty assessments on traffic and other violations, to establish an advisory committee, as specified, and to report thereon to the chairpersons of the Senate Judiciary Committee and of the Assembly Public Safety Committee by December 31, 1987.

Res. Ch. 121 (SJR 57) Deddeh Motor carrier industry

This measure would memorialize the United States Secretary of Transportation to support legislation establishing a motor carrier administration within the Department of Transportation.

Res Ch. 122 (SCR 74) Robbins Small Business Administration. transfer of functions to state.

This measure would request the Department of Commerce to appoint and coordinate a task force representing concerned agencies to study and prepare a plan for the transfer of essential in-state functions of the federal Small Business Administration to the state. The measure would request the department to submit the report thereon to the Legislature by January 1, 1988, and would provide that the costs incurred by the department with respect to the study and plan be paid from funds in its existing budget.

Res. Ch. 123 (SCR 85) Keene. California National Guard Honduras.

This measure would urge the Governor to reverse his decision sending men and women of the California National Guard to Honduras and to join with the Governors of other states in declining to send the National Guard to Honduras

Res. Ch. 124 (SCR 101) Robbins. Van Nuys Administrative Center: child care facility

This measure would request the Department of General Services to undertake needs assessment and planning for an annex to the Van Nuys Administrative Center which would include a child care facility for the children of government employees and other parents in the immediate area

Res. Ch. 125 (SCR 103) Ellis. Air/Space America.

This measure would welcome Air/Space America to the State of California and proclaim the month of May 1988 as Air/Space America Month throughout the state.

Res. Ch. 126 (ACR 144) Hauser. Relative to health insurance.

This measure would request the Office of Statewide Health Planning and Development to undertake a study of various existing models of health plans throughout the world, and form the Hauser Health Plan Commission to study these models, and make recommendations, as specified, to the Legislature by January 31, 1988.

Res. Ch. 127 (ACR 148) Stirling Jury instructions: reasonable doubt.

This measure would request that the Committee on Jury Instructions of the Los Angeles Superior Court study alternatives to the definition of reasonable doubt set forth in Section 1096 of the Penal Code, and report its findings and recommendations to the Legislature on or before March 1, 1987.

Res. Ch. 128 (ACR 150) Hughes. Fernald School, UCLA.

This measure would memorialize the Chancellor of the University of California, Los Angeles, the President of the University of California, and the Regents of the University of California to review its decision to close the Fernald School, and if the determination of closure is irreversible, to request the President of the University of California and the Chancellor of the University of California, Los Angeles to develop plans to strengthen and expand the research, teaching, and public service contributions of the University of California, Los Angeles, in the field of childhood learning disorders.

In addition, this measure would provide that the President of the University of California shall report, by December 1, 1986, to the Legislature's educational policy and fiscal committees, specified information

Res. Ch. 129 (ACR 153) Hayden. Literacy instruction.

This measure would request that specified governmental agencies report, by December 1, 1986, to the Assembly Office of Research on the agencies' efforts to deliver literacy instruction and instructional referrals to persons 16 years of age and older during a specified time period, as specified. This measure would also require the Assembly Office of Research to compile the information it receives and submit a report, as specified, by February 15, 1987, to the respective education policy committees of the Assembly and the Senate.

Res. Ch. 130 (ACR 159) Costa Horseracing

This measure would request the California Horse Racing Board to act to ensure that the California-bred race requirements in a specified statute are timely and effectively fulfilled

Res. Ch. 131 (ACR 160) Allen. Marine resources.

This measure would request the Department of Fish and Game to evaluate the status and effectiveness of its marine resource oriented law enforcement operations and equipment of the department and to submit that evaluation to the Legislature by July 1, 1987.

Res. Ch. 132 (ACR 161) Areias Father Junipero Serra papal visit

This measure would honor Father Junipero Serra and extend to the Pope an invitation to visit California and its missions.

Res. Ch. 133 (ACR 162) Harris. Transportation transit fares

This measure would request that a committee be formed consisting of one representative each from specified transportation planning agencies to collect data and estimate the amount of transit revenue foregone by fixed-route transit operators as a result of providing special fare discounts and to submit its estimates and other specified information to the Legislature not later than March 1, 1987

Res. Ch. 134 (ACR 166) Farr "Coast Week" and "California Coastal Clean-Up Day"

This measure would declare September 20 through 29, 1986, as "Coast Week" and September 20, 1986, as "California Coastal Clean-Up Day."

Res. Ch. 135 (ACR 167) W Brown The Governor Edmund G "Pat" Brown Building

This measure would designate the state building located at 505 Van Ness Avenue, San Francisco, as the Governor Edmund G "Pat" Brown Building, in recognition of the outstanding efforts of Governor Edmund G. "Pat" Brown on behalf of the State and the people of California

Res. Ch. 136 (ACR 169) Vasconcellos California Community Colleges

This measure would direct the Legislative Analyst, in conjunction with the California Postsecondary Education Commission, the Director of Finance, and the Office of the Chancellor of the California Community Colleges, to report, by December 1, 1986, to the Legislature concerning various matters required for the office of the chancellor to successfully provide leadership for the California Community College system

Res. Ch. 137 (AJR 81) Elder. Radioactive waste shipments ports.

This measure would memorialize the United States Department of Energy to adopt a different route, as specified, for radioactive waste shipments and would oppose the shipment of spent radioactive fuel rods through California ports and harbors

Res. Ch. 138 (AJR 96) Agnos. United States Small Business Administration

This measure would memorialize the President and Congress of the United States to keep the United States Small Business Administration as an independent agency with adequate funding to assist the development of new small businesses and to preserve existing small businesses.

Res. Ch. 139 (AJR 100) Papan. TWA flight attendants' labor dispute.

This measure would express the support of the Legislature for the settlement of the labor dispute between the Independent Federation of Flight Attendants and Trans World Airlines. The measure would also urge various federal officials to take all appropriate steps to bring about a prompt and equitable settlement of that dispute.

Res. Ch. 140 (AJR 102) Kelley. Foreign trade.

This measure would request that the President and Congress protect California agricultural interests and that the California State World Trade Commission direct its special trade representative in Washington, D C., to take an active role in the forthcoming General Agreement on Tariff and Trade (GATT) negotiations and ensure that the United States negotiators recognize California agriculture's rightful position in world trade.

Res Ch. 141 (AJR 104) Areias. Commercial vehicles.

This measure would request the Congress of the United States to enact legislation to require the Department of Transportation to provide for state administration of national uniform standards for the licensing of drivers of commercial vehicles, which standards would include specified provisions. The measure would request that the standards not be less stringent than this state's standards or preempt state authority to adopt more stringent standards. The measure would also request that the legislation include a national commercial vehicle operator identifier file, as specified.

Res Ch. 142 (AJR 105) Papan. Organ transplants.

This measure would memorialize the President and Congress to carry out the recommendation of the federal Task Force on Organ Procurement and Transplantation that a national organ procurement and transplantation network be established to coordinate efforts to locate potential donor organs.

Res Ch. 143 (AJR 106) Elder. Federal income taxation. public pension plans.

This measure would request the Congress of the United States to exempt public pension plans from the proposed revision to Section 415 of the Internal Revenue Code.

Res. Ch. 144 (AJR 108) Mojonner. United States Travel and Tourism Administration.

This measure would memorialize the President and the Congress of the United States to take all measures necessary to retain the United States Travel and Tourism Administration at current or higher funding levels.

Res Ch. 145 (AJR 109) Polanco. Television licensing.

This measure would request the Federal Communications Commission (FCC) to give consideration to Hispanic applicants for the ownership of KMEX-TV in the greater Los Angeles area.

Res. Ch. 146 (AJR 110) Grisham. Recent air disaster in Cerritos.

This measure would urge the Federal Aviation Administration to thoroughly investigate the cause of the mid-air collision over Cerritos on August 31, 1986. The measure would further urge the Congress to enact legislation requiring collision avoidance systems on all commercial and private aircraft entering controlled airspace in the United States.

Res. Ch. 147 (SJR 49) Doolittle. National forest revenues.

This measure would memorialize Congress not to take any legislative actions that would reduce the national forest revenues due to the states.

Res. Ch. 148 (SJR 54) Keene. Nuclear facilities. liability limitations.

This measure would memorialize Congress to replace the existing liability limits of the Price-Anderson Act, as they relate to activities of nuclear facilities licensed by the Nuclear Regulatory Commission, with more realistic provisions and, to the extent liabili-

ty limits are imposed, require the federal government to assume all residual liability above those limits.

Res. Ch. 149 (SJR 55) Doolittle. National forest regulation.

This measure would memorialize the President, the Secretary of Agriculture, and the Chief of the Forest Service to consider the economic impact on the forest products industry and northern California of expanding acreage set aside for spotted owl habitat or by designating additional roadless areas.

Res. Ch. 150 (SJR 58) Marks. Irradiation of food.

This measure would request the Secretary of Health and Human Services to arrange for an extensive study of the risk to human health and the environment presented by the irradiation of food.

The measure would also request that there be no new regulations proposed for promulgation which have the same legal effect as existing regulations related to irradiation of food until there is an opportunity to review results of the study.

Res. Ch. 151 (SJR 61) Robbins. San Fernando Valley groundwater basin: hazardous substances

This measure would memorialize the President and Congress to enact legislation appropriating funds to conduct a removal and remedial action to the San Fernando Valley groundwater basin to remove the solvents from the water.

Res. Ch. 152 (SJR 68) Foran. State sales and use taxes. out-of-state sales.

This measure would memorialize the Congress of the United States to enact legislation expanding the ability of states to collect sales and use taxes on out-of-state mail-order sales to customers within their jurisdictions.

Res. Ch. 153 (SJR 69) L. Greene. Chernobyl nuclear accident: medical consequences: monitoring

This measure would memorialize the President to work with appropriate national and international scientific and medical institutions to collect and analyze data on the long-term health status of individuals in the Chernobyl nuclear powerplant area of the U.S.S.R. who received substantial doses of radiation from the April 26, 1986 nuclear accident.

This measure would resolve that the medical information derived from that data be communicated to the Director of Health Services to permit the department to assist the Office of Emergency Services to review its Nuclear Power Plant Emergency Response Plan

Res. Ch. 154 (SJR 70) McCorquodale. Veterans of World War II: Filipino: United States citizenship.

This measure would memorialize the President and Congress to support and enact legislation extending United States citizenship to Filipino veterans of World War II who failed to make application therefor before January 1, 1947.

Res. Ch. 155 (SCR 55) Hart. University of California: education.

This measure would request the Regents of the University of California to report to the Legislature by March 1, 1987, specified information pertaining to the university.

Res. Ch. 156 (SCR 61) Roberti. Taiwan Sister State Legislative Task Force.

This measure would create the Taiwan Sister State Legislative Task Force, to be comprised of 9 members of the public to be appointed by the Senate Committee on Rules, 9 members of the public to be appointed by the Speaker of the Assembly, and the President pro Tempore of the Senate, the Speaker of the Assembly, and a designated legislator or their designees.

This measure would require the task force to study ways of conducting mutually beneficial social, economic, educational, and cultural programs, in order to strengthen international understanding and good will, and report its findings and recommendations

to the Legislature.

Res Ch. 157 (SCR 66) Torres Fire hazards.

This measure requests the State Fire Marshal and the State Board of Fire Services to study the hazards caused by water-reactive chemicals and related matters and to report their findings and recommendations to the Legislature no later than January 1, 1987.

Res Ch 158 (SCR 76) Bergeson State Highway Route 74.

This measure would authorize the Department of the California Highway Patrol, until January 1, 1988, to implement the use of radar equipment provided by local agencies for traffic enforcement purposes on that portion of State Highway Route 74 known as the Ortega Highway

The measure would direct the department to submit a report to the Legislature by February 1, 1988, on the effectiveness of radar usage on State Highway Routes 74 and 126

Res. Ch 159 (SCR 80) Torres Aviation and airports

This measure would establish the California Commission on Aviation and Airports, consisting of 17 members, one of whom shall be the Chief of the Division of Aeronautics of the State Department of Transportation, and 16 of whom shall be appointed by the Senate Committee on Rules and the Speaker of the Assembly, to review, monitor, and evaluate specified aviation and airport issues in California and to report its findings and recommendations to the Legislature and appropriate federal agencies annually by January 31st each year until January 31, 1991. The commission would terminate on January 31, 1991

Res Ch. 160 (SCR 92) Ayala Groundwater basins state acquisition.

This measure would direct the water policy committees of the Legislature to hold hearings on the acquisition of groundwater basins by the state prior to purchase of the basins. The measure would also request appropriate state agencies to conduct technical, economic, and environmental studies concerning the viability of a groundwater basin prior to purchase, and that plans for conjunctive use of groundwater and surface water be based on sound criteria

Res. Ch 161 (SCR 96) McCorquodale. Medi-Cal

This measure would urge the executive branch of government of the State of California to initiate discussions with California hospitals for purposes of determining levels of cost, rates of return on investments, and other pertinent data in order to advise the Legislature on appropriate levels of state reimbursement for Medi-Cal services.

Res Ch. 162 (SCR 99) Keene Ralph A. Miller Bridge

This measure would designate Bridge No. 4-28 in Humboldt County as the Ralph A. Miller Bridge. The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private resources covering that cost.

Res Ch 163 (SCR 100) Rosenthal National Temporary Services Week

This measure would proclaim the week of October 12 through October 18, 1986, as National Temporary Services Week.

Res Ch. 164 (SCR 102) Doolittle Interstate Route 80 Alan S. Hart Freeway

This measure would designate that portion of Interstate Route 80 from the Sacramento County line to the Nevada State line as the Alan S. Hart Freeway

The measure would direct the Department of Transportation to erect appropriate plaques and markers showing this designation upon receiving donations from private sources covering the cost to erect those plaques and markers

Res Ch 165 (ACR 158) Vasconcellos Supplemental Report of the Committee of Conference on the Budget Bill

This measure would declare that the Supplemental Report of the Committee of Conference on the Budget Bill reflects the intent of the Legislature in adopting the Budget Act of 1986. The measure would also declare that the report should be interpreted as the intent of the Legislature by the various agencies of state government affected by the statements contained in the report

DIGESTS OF RESOLUTIONS
ADOPTED IN 1986

1985-86 FIRST EXTRAORDINARY SESSION

RESOLUTION CHAPTERS

Res Ch. 1 (ACR 1) Papan. 1985-86 First Extraordinary Session: Joint Rules.

This measure would adopt the Temporary Joint Rules of the Senate and Assembly for the 1985-86 Regular Session as the Temporary Joint Rules of the Senate and Assembly for the 1985-86 First Extraordinary Session, except as specified

1986 DIGEST CHAPTERS SUPERIOR NUMBERS

- 1 I am reducing and deleting the following appropriations contained in Assembly Bill No. 3293:

Department of Forestry —\$1,000,000

This reduction is based on revised estimates of funding requirements.

Department of Aging —\$ 833,000

This bill also contains \$1.2 million for Aging Nutrition programs. I am eliminating \$833,000 which is provided for support services.

Department of Education —\$2,968,050

I am reducing the \$4,351,000 augmentation the Legislature made for K-12 district revenue limits to \$2,176,000. I believe this amount, along with the \$55,836,000 loan made to school districts will fund the statutory requirements of this program. If it is later determined that more funding is required, I will support legislation to provide the additional amount.

I am deleting the \$793,050 added by the Legislature to provide additional incentive funds for year-round school programs. My 1986-87 Budget includes sufficient funds to accommodate this and other certified claims.

With these reductions and deletions, I approve Assembly Bill No. 3293

George Deukmejian, Governor

- 2 I object to the following appropriations contained in Assembly Bill No. 3217:

Item 0420-111-001—For local assistance, for purposes of phase-in operation of the Trial Court Funding Act of 1985, Chapter 1607 of the Statutes of 1985. I eliminate this item in the amount of \$5,000,000 and delete Provision 1.

When I signed the Trial Court Funding Act of 1985, I stated that subsequent legislation to implement this program should seek to avoid excessive new General Fund costs as well as include significant reforms to our judicial process. Funding for this program should be included in legislation that addresses these concerns. This administration has submitted a proposal, SB 2087, which provides funding, avoids excessive new General Fund costs, and includes significant judicial reforms.

I am deleting Provision 1 to conform to this action.

"1. Pursuant to pertinent rules to be adopted by the Judicial Council for implementation as provided in Section 77205 of the Government Code disbursements shall be made to selected option counties for phase-in of this program."

Item 0820-001-001—For support of Department of Justice. I reduce this item from \$144,844,000 to \$143,454,000 by reducing:

(a) 11.01—Executive—Administration from \$42,958,000 to \$41,958,000,

(g) 50—Law Enforcement from \$117,890,000 to \$117,500,000, and by deleting Provision 6.

I am eliminating the \$1,000,000 and 31.7 personnel years legislative augmentation for salary savings relief. The Department of Justice's budget was augmented by \$773,000 in the 1985-86 fiscal year for salary savings relief. This amount was carried forward to the 1986-87 fiscal year.

I am also eliminating the \$390,000 and 4.7 personnel years legislative augmentation for the establishment of the Redding field office for the Bureau of Narcotic Enforcement/Bureau of Investigation. I have provided \$2,537,000 to upgrade the criminalistic laboratory services and \$405,000 and 2.9 personnel years to establish three additional narcotics tasks forces, which is an eight percent increase in investigation and enforcement efforts. If the department believes that it is more efficient to have a Redding field office, then existing resources should be redirected to establish this

field office.

I am also deleting Provision 6.

"6. The Department of Justice shall not be restricted in the promotion of any deputy attorney general by the application of any staffing ratios."

This provision inappropriately restricts the Department of Personnel Administration's classification authority and the Executive Branch's approval of the allocation of resources. This is a collective bargaining issue and should be addressed through the normal administrative process.

Item 0860-001-001—For support State Board of Equalization. I delete Provisions 4 and 5.

I have taken the opportunity to review the Legislature's action on my contracting-out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations, with the intent of increasing the efficiency of the delivery of services to the public. Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would have allowed the State Board of Equalization to realize cost-savings related to updating property tax cost manuals was not accepted. In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract-out. I am, therefore, eliminating the two positions added by the Legislature and will use the related funds to contract for these services. I am, therefore, deleting Provisions 4 and 5 to conform to this action.

"4. Of the amount appropriated in category (a), \$68,000 shall be expended for two full-time property tax appraisers. These appraisers shall be used to update the board's property tax cost manuals. Of the amount appropriated in category (b), \$32,000 shall be expended for support of these appraisers. No later than December 15, 1986, the Board of Equalization shall report to the Chairperson of the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature regarding progress made in updating its property tax cost manuals. The report shall include, but shall not be limited to, the following: (a) a list of the sections which must be updated, (b) a schedule for completing the update of these sections; and (c) the number of hours required to complete the update. In addition, the board shall provide an estimate of the level of resources necessary for maintaining the cost manuals."

"5. The Director of Finance shall provide written notification of any intention to approve any category transfer between categories (a) and (b) to the Chairperson of the Joint Legislative Budget Committee not sooner than 30 days prior to its approval of any such transfer, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may determine."

Item 1100-001-001—For support of Museum of Science and Industry. I reduce this item from \$8,510,000 to \$8,321,000 by reducing;

(a) 100000—Personal Services from \$4,701,000 to \$4,512,000, and by deleting Provisions 2 and 3.

I am eliminating the \$189,000 and 12 personnel years legislative augmentation which was added to retain state employees for operation of all parking lots in Exposition Park. This augmentation provides two months funding for continued operation of these lots with state staff until a net revenue contract can be implemented. For 1986-87, a net revenue contract will be awarded to contract out for the operation of all parking lots not directly related to the Museum's facilities. These are lots related to the Coliseum and to the Sports Arena which surround the Museum. I believe that this is the most appropriate way of managing these parking lots since they support adjoining sports facilities and, therefore, are not related to the Museum's principal educational function.

I am deleting Provisions 2 and 3 to conform to this action.

"2. The Director of General Services shall not approve a contract, permit, or lease agreement by the museum (excluding those for museum exhibits), which reduces state revenues or increases state costs by \$25,000 or more, unless, not sooner than 30 days prior to giving his or her approval, the director

submits in writing to the Chairperson of the Joint Legislative Budget Committee notification of the director's intent to approve the contract, permit, or lease, or not sooner than such lesser time as the chairperson may in each instance determine."

- "3. None of the funds appropriated by this item may be encumbered for any program which would result in the replacement of state personnel employed in parking lot operations."

Item 1240-022-738—For support of Board of Cosmetology. I reduce this item from \$3,305,000 to \$3,133,000 by reducing:

- (a) 33—State Board of Cosmetology from \$3,326,000 to \$3,154,000.

I am eliminating the \$172,000 and 5.2 personnel years legislative augmentation which would provide for increased inspection staff to perform annual inspections. There is no evidence that the health and safety of the public is endangered if annual inspections are not conducted. These inspections are conducted to review the conditions of the facilities and equipment, rather than the competence of the licensee. I believe the Board's remaining budget provides adequate resources to protect the health and safety of the public. According to the Board of Cosmetology, the planned decentralization of inspectors from the Division of Investigation to the Board will increase the average frequency of inspections of licensees from once every three years to once every two years. I believe this decentralization should be given an opportunity to be implemented before other measures are proposed.

Item 1730-001-001—For support of Franchise Tax Board. I reduce this item from \$140,052,000 to \$139,453,000 by reducing:

- (a) 100000—Personal Services from \$106,471,000 to \$106,314,000,
(b) 300000—Operating Expenses and Equipment from \$37,407,000 to \$36,965,000.

I am reducing this item by \$350,000 and 7.2 personnel years which the Legislature added to the Telephone Information Center. The Governor's Budget proposed an increase in funding of \$1,043,000 and 13.4 personnel years for the Center in 1986-87, which would provide a 16.9 percent increase above the 1985-86 funding level. The Legislature augmented the Center's budget by \$700,000 and 14.4 personnel years. I am reducing the augmentation by one half. I believe this will provide an adequate level of resources to respond to telephone inquiries. In addition to the telephone assistance, the Board has other sources of information available to the public, such as free Franchise Tax Board booklets. In 1986-87, a high priority for General Fund support in the Franchise Tax Board budget was to augment revenue-producing activities, such as audits and collections. A total of \$4.01 million and 133.1 personnel years were added for these activities.

In addition, I am reducing this item by \$249,000 to eliminate an augmentation for janitorial services. For 1986-87, I proposed \$383,000 to continue a contract with a private firm for janitorial services in the new Sacramento headquarters building. This augmentation would increase that amount by 65 percent in order to contract with the Department of General Services, whose budget was augmented by \$549,000 and 21.4 personnel years. Despite this increase in cost, the augmentation would not increase either the quantity or the quality of service provided to the Franchise Tax Board. The services provided by the private firm are less costly than using state staff, and, in addition, the contract is based on the payment of prevailing wages and meets other state requirements, including approval of the State Personnel Board. I believe that continuation of this contract provides an opportunity to achieve the same level of service at a lower cost. Therefore, I am eliminating this augmentation for a savings of \$249,000.

Item 1760-001-001—For support of the Department of General Services. I eliminate this item and delete Provision 1.

This corresponds to actions I have taken in eliminating Item 1760-001-666. Although this action eliminates General Fund support for the Department of General Services, the department will recondition the two Capitol Building elevators for which an augmentation had been provided, as well as increase its staff by two positions to provide additional warehouse support staff for the loading docks in the Capitol. Funding will be provided from the Service Revolving Fund pursuant to the authority contained in Section 16422 of the Government Code.

To conform with this action, I am also deleting Provision 1.

"1. In addition to the funds available in this item, any amounts received from the sale of the Governor's Budget and related publications funded from this item are available for expenditure."

Item 1760-001-002—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken eliminating Item 1760-001-666.

Item 1760-001-003—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Government Code Section 14678.

Item 1760-001-006—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Government Code Sections 4454.

Item 1760-001-022—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666.

Item 1760-001-026—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Government Code Section 16379.

Item 1760-001-120—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Education Code Sections 15371 to 15466.

Item 1760-001-122—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Health and Safety Code Section 15047.

Item 1760-001-344—For support of Department of General Services. I eliminate this item and delete Provision 1.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Education Code Section 17708.

To conform with this action I am deleting Provision 1.

"1. Of the funds appropriated by this item, up to \$565,000 shall be used for office automation in the Office of Local Assistance, but shall not be available for encumbrance until the feasibility study report for the project has been approved by the Director of Finance."

Item 1760-001-397—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666.

Item 1760-001-450—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Health and Safety Code Section 19183(b).

Item 1760-001-465—For support of Department of General Services. I eliminate this item and delete Provision 1.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous

ous appropriation authority contained in Public Resources Code Section 25216.5.

To conform with this action I am deleting Provision 1.

- "1. On or before September 30, 1986, and annually thereafter the Director of General Services shall report, using generally accepted accounting principles, to the legislative fiscal committees on the income and expenses of all Office of Energy Assessment activities in the previous fiscal year. This report shall identify personal services costs, operating expenses, and revenues."

Item 1760-001-602—For support of Department of General Services. I eliminate this item and delete Provisions 1, 3, 4 and 5.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Government Code Section 14957.

To conform with this action I am deleting Provisions 1, 3, 4 and 5.

- "1. The appropriation from the Architecture Revolving Fund Item 1760-001-602 is for expenditure by the Office of State Architect for the purpose specified in Section 14957 of the Government Code."
- "3. Within 60 days of the enactment of this act, notice shall be given to the Joint Legislative Budget Committee of the Revisions necessary to the budget of the Department of General Services funded from the Architecture Revolving Fund to reflect the changes made to capital outlay project funding by the Legislature. The Director of Finance shall, pursuant to Section 28 of this act, revise the appropriations contained in this item to coincide with the revisions reported by the department."
- "4. The limitations of Item 9840-001-988 shall not apply to any deficiency expenditure authorization for the Architecture Revolving Fund pursuant to Section 11006 of the Government Code, in cases where the Legislature approves funds for a particular project, the project involves additional expense by the Department of General Services and no additional funds have been appropriated to the Department of General Services for purposes of that project."
- "5 The professional staff assigned to basic architectural and engineering services within the Office of State Architect shall not exceed 69 personnel years during the 1986-87 fiscal year, in accordance with the September 1985 report to the Legislature on projected workload in the office."

Item 1760-001-666—For support of Department of General Services. I eliminate this item and delete Provisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20 and 21.

In the Legislature's final actions regarding the Department of General Services budget, ten months of funding for the Director's Office and the Division of Administration was eliminated. While representing a small proportion of the total budget, these funds provide the department with the ability to support and direct all of the other programs for which it is responsible. A reduction of this magnitude would impair the ability of the department to provide such necessary services as architectural work for the state's capital outlay programs; printing; telecommunications, including emergency telephone number support; security for elected officials, procurement; allocations to school districts for school construction, and administrative hearings. In order to provide the necessary support and direction for these essential services, I am eliminating the Budget Act appropriation for the Service Revolving Fund to allow the continuous appropriation authority contained in Section 16422 of the Government Code to become effective. I am retaining the authorized positions approved by the Legislature except for the two augmentations for janitorial services and telecommunications staff discussed below. The balance of the personnel years will be supported by the continuous appropriation and are needed to meet departmental objectives. As a conforming action, I am eliminating the subsidiary items related to this item, many of which are also continuously appropriated.

I also will not be utilizing 21 4 personnel years to provide janitorial services to the Franchise Tax Board. In administering its continuous appropriation, the Department of General Services will not restore funding for these positions. This action, as well as the elimination of Provision 10 mentioned below, conforms to the action I have taken in Item 1730-001-001. I vetoed a similar augmentation in 1985-86 and

indicated in the veto message that this activity continued to offer an appropriate opportunity to contract out. A contract was implemented in 1985-86 which is less expensive than using state staff, requires the payment of the prevailing wage rate, and was approved by the State Personnel Board. The Franchise Tax Board will save \$249,000 annually as a result of continuing to contract out this activity. No evidence has been provided to warrant returning to the traditional delivery of service at a significantly higher cost.

In addition, I will not be utilizing the 5.7 personnel year legislative augmentation for the Office of Telecommunications. The continuous appropriation, however, will allow the department to spend the \$314,000 added by the Legislature to contract with private sector consultants to provide the technical expertise which is needed for one-time activities on a short-term basis. Since the divestiture of AT&T and the deregulation of the telephone industry, the state has become responsible for managing its own telecommunications network. Telecommunications is a rapidly advancing technical field in which expertise is limited and in great demand. Private sector organizations are developing this expertise and competing for individuals with these skills, limiting the State's ability to hire and retain qualified individuals. Nevertheless, State communications services would benefit, and considerable monies would be saved, if the State could apply new techniques to the development of its voice and data networks. Private sector providers of telecommunications services are eager to help the State develop new communication facilities. In the process of establishing new telecommunications networks different, specific expertise is required at various stages of development, making parts of this initiative suitable for contracting out.

The Office of Telecommunications will spend the \$314,000 to support, in consultation with other State agencies, the planning and development of new telecommunications networks which are necessary to provide improved services in many of the State's programs. The Office will rely on advice from organizations with established expertise in this field. The Office will prepare a report recommending specific implementation plans and schedules to ensure that the state is taking full advantage of the opportunities available in the current communications environment. This report will be available by April 30, 1987.

To conform with the actions taken in this item, I am deleting Provisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, and 21.

- "1. From any balance in the Service Revolving Fund, the Director of General Services, with the approval of the Director of Finance, may expend funds in excess of the amount appropriated in this item for the purchase of office copier machines. Any such amounts authorized by the Director of Finance for the purchase of office copier machines are hereby appropriated from the Service Revolving Fund as a loan to be repaid upon such terms and conditions as prescribed by the Director of Finance."
- "2. No more than \$38,019,000 appropriated in this item may be expended for support of the Office of State Printing."
- "3. Purchase of any equipment for the Office of State Printing, except as provided for in this item, is subject to Section 28 of this act."
- "4. Any surplus resulting from legislative printing shall be shown as reimbursement to Item 0130-021-001 of this act."
- "5. None of the funds appropriated in this item may be expended to operate the gasification plant in Sacramento unless the Department of General Services determines that it is economical to do so. The Department of General Services shall report to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees of each house on a quarterly basis beginning October 1, 1984, on the status of the gasification plant and the department's determination of any savings achieved by operation of the gasification plant."
- "6. The limitation of Item 9840-001-988 shall not apply to any deficiency expenditure authorization for the Service Revolving Fund pursuant to Section 11006 of the Government Code, in cases where the Legislature approves funds for a particular service or purchase of equipment, the provision of the service or purchase of the equipment involves additional expense to be incurred by the

- Department of General Services and no additional funds have been appropriated to the department for that purpose.”
- “7. The Budget for the 1987–88 fiscal year for two program elements of this budget item shall be prepared using a zero-base budget technique. The Department of Finance and the Department of General Services shall select the two program elements.”
- “8. (a) Notwithstanding Section 16422 of the Government Code, the balance of any rental receipts paid into the Building Rental Account of the Service Revolving Fund as of June 30, 1986, after accounting for all receipts and the fiscal year 1985–86 costs of maintaining, operating, and insuring buildings included within the account shall be transferred by the State Controller to the General Fund and reported to the Joint Legislative Budget Committee no later than September 30, 1986.
- (b) On or before September 30, 1986, the State Controller shall transfer to the General Fund any amount of accumulated surplus in the Service Revolving Fund computed as of June 30, 1986, and any net amount of the Building Rental Account in excess of \$61,500,000.”
- “9. The Director of General Services shall report to the legislative fiscal committees and the Joint Legislative Budget Committee, on a quarterly basis, the fund status of capital outlay projects for which the department provides services. The report shall include the project name, work order code, the appropriation by phase, and the expenditures to date on each of the phases of each active project serviced by the department.”
- “10. The Department of General Services shall not contract for janitorial services for the Franchise Tax Board facility in Sacramento.”
- “11. (a) The Director of General Services shall report to the Chairperson of the Joint Legislative Budget Committee on or before September 30, 1986, on the department’s actions to: (1) determine the liability for 11 repair projects funded (\$615,390) in the 1986–87 fiscal year; and (2) collect damages from the liable party to offset the cost of these special repair projects.
- (b) If the Chairperson of the Joint Legislative Budget Committee determines that the director’s report does not fully resolve the issue of liability, the Auditor General shall investigate this matter and report to the Chairperson of the Joint Legislative Budget Committee by April 30, 1987. The Auditor General’s report shall detail:
- (1) Persons, firms or organizations liable for these repairs
 - (2) Whether the actions of the Department of General Services to recoup cost on these projects from consultants, contractors, or other responsible parties have been adequate and appropriate
 - (3) Actions the Department of General Services should take in the future to ensure that the state does not pay to correct building deficiencies resulting from errors or omissions by consultants, contractors, or others.”
- “14. Notwithstanding Section 16422 of the Government Code, on July 1, 1986, the State Controller shall transfer \$3,700,000 from the Service Revolving Fund, Building Rental Account, to the General Fund.”
- “15. Notwithstanding Section 14669 of the Government Code, the Director of General Services, acting on behalf of the Office of Records Management, may enter into a lease, a lease with an option to purchase, or a lease-purchase agreement, for the purpose of providing adequate storage facilities for the Office of Records Management. Prior to entering into any contractual agreement for a new storage facility, the director shall prepare an analysis to provide a storage facility under a variety of arrangements which include, but are not limited to, the use of a lease, a lease with an option to purchase, or a lease-purchase agreement. The director shall not enter into a lease, a lease with an option to purchase, or a lease-purchase agreement unless, at least 30 days prior to its execution, the director notifies the Chairperson of the Joint Legislative Budget Committee and chairpersons of the legislative fiscal committees of his or her intent to enter into such an agreement, and shall include

an analysis and justification for selecting the approach which the director deems to be in the best interest of the state."

- "16. Of the funds appropriated in this item, \$299,000 for office automation in the Office of Administrative Services shall not be available for encumbrance until a feasibility study report for the project has been approved by the Department of Finance."
- "17. The Director of General Services may enter into a lease-purchase agreement, an agreement for the appointment of a bond trustee, an amendment to the Existing Joint Powers Agreement to provide for a parking structure, and an agreement for the Department of General Services to act as agent for construction matters, all with the Joint Powers Authority created under the Joint Powers Agreement dated June 30, 1982, entered into with the Community Redevelopment Agency of the City of Los Angeles. The lease-purchase agreement may provide for space to be used for private commercial purposes. The director shall notify the Chairperson of the Joint Legislative Budget Committee and the chairperson of the legislative fiscal committees of his or her intention to execute the lease-purchase agreement at least 20 days prior to its execution."
- "18. Of the amount appropriated in category (b), \$579,000 budgeted for the Purchasing Information Network computer system may not be encumbered unless the appropriate feasibility study reports (relating to the information software and the office automation equipment) are approved by the Office of Information Technology in the Department of Finance."
- "19. At least 10 days before signing a contract with a private firm to provide janitorial services, the Director of General Services shall certify to the Joint Legislative Budget Committee that the level of janitorial services to be provided by the private firm shall meet or surpass the standards applied for a state office building maintained by janitors of the Office of Buildings and Grounds."
- "20. Of the amount appropriated in category (b), \$25,000 shall be used for follow-up purposes for reviewing the status of implementation of the management study of the administration of Office of Procurement."
- "21. Of the amount appropriated in category (b), \$4,760,000 shall be used for the purchase of currently-leased telephone equipment and \$240,000 shall be used for consulting services by the Office of Telecommunications in the Department of General Services."

Item 1760-001-688—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Public Contract Code Section 10383.5.

Item 1760-001-739—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Education Code Section 16096.

Item 1760-001-890—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Government Code Section 16361 and Section 8.5 of the Budget Act of 1986.

Item 1760-001-961—For support of Department of General Services. I eliminate this item.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Education Code Section 17780.

Item 1760-011-602—For support of Department of General Services. I eliminate

this item and delete Provisions 1, 2, 3, 4 and 5.

This corresponds with the action I have taken in eliminating Item 1760-001-666. As a result of eliminating this item, continued funding is authorized by the continuous appropriation authority contained in Government Code Section 14957.

To conform with this action, I am deleting Provisions 1, 2, 3, 4 and 5.

- "1. The Director of General Services shall immediately establish a Capital Outlay Control Unit in the Department of General Services. This unit shall report directly to the Director; it shall not report to, or be responsible in any way, to the State Architect. None of these funds or positions shall be transferred to the Office of State Architect."
- "2. The Capital Outlay Control Unit, in consultation with the Office of State Architect, shall determine which projects the Office of State Architect will design using in-house professional staff. The projects shall be selected taking into consideration the projects which the State Architect determines the Office can accomplish within the time frames established for the 1986-87 fiscal year and the professional staff assigned to basic and non-basic architectural and engineering services by Item 1760-001-602."
- "3. The Capital Outlay Unit shall negotiate a fee for services with the Office of State Architect for each project assigned to that office. The unit shall enter into an interagency agreement with the office which sets forth the project schedule and fees for each phase of the project. The unit shall make progress payments to the office, based on a set percentage completion of each phase of each project. Prior to any payment to the office, the Director of General Services shall review and concur in the percentage of project completion used as the basis for payment. The interagency agreement and payment schedule for each project shall be similar to those negotiated with private architectural/engineering consulting firms."
- "4. The Capital Outlay Control Unit shall be responsible for contracting with private sector firms to undertake work on the capital outlay projects assigned to the Department of General Services. After establishing the projects to be undertaken by the Office of State Architect, the unit shall immediately begin the process of selecting private architectural/engineering consulting firms to undertake the remaining projects."
- "5. On or before November 1, 1986, the Director of General Services shall report to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the legislative fiscal committees on the status of each project under the jurisdiction of the Capital Outlay Control Unit. The report shall identify, for each project, the project's status, the project's status compared to the original schedule, interagency/contractual fees, and any anticipated cost savings or overruns."

Item 1760-321-036—For capital outlay, Department of General Services I delete Provisions 1, 2, 2.5 and 3.

I am deleting Provisions 1 and 3 because they limit how the Director of General Services can assign management resources to direct the programs in his Department's budget, and, thus, violate prudent management principles. In reserving this flexibility for the Department of General Services, I urge the Department to strive to meet the program objectives embodied in these two provisions.

- "1. Of the amount appropriated in category (2), \$382,000 shall be available to the Office of Project Development and Management to administer the Underground Storage Tank Program. The tanks program shall include: (1) testing all known state-owned tanks; (2) drainage of leaking tanks; (3) soil borings at leaking tank sites, (4) cleanup of hazardous, leaking tanks; and (5) replacement of nonconsolidatable tanks."
- "3. Of the amount appropriated in category (3), \$2,276,000 shall be available to the Office of Project Development and Management (OPDM) asbestos program. The OPDM shall, by March 1, 1987, provide the asbestos survey and removal/control (R/C) plan to the Legislature. The R/C plan shall include, at a minimum, a list of the buildings, the R/C requirements for each building, a priority list for R/C along with the criteria used to establish the priorities,

and cost estimates and schedules for R/C activities."

I am deleting Provision 2 because it could prevent the Department of General Services from maximizing the number of essential clean-ups and replacements of leaking underground storage tanks from the funds available under this appropriation. Criteria originally proposed in the current year suggested a \$100,000 limit per clean-up site be used to ensure that catastrophic leaks which may be found do not deplete all funds in the appropriation. Rather, the intent is to seek a separate appropriation for such occurrences to assure progress on other essential replacements and clean-ups of more modest magnitude. The \$100,000 limit suggested is judged by General Services to be sufficient for 90 percent of the occurrences.

"2. The Director of General Services and the Director of Finance are prohibited from limiting the amount of funds provided under category (2) that may be expended to remedy an underground storage tank site."

I am also deleting Provision 2.5 because it would require a separate statute to authorize expenditure of the appropriation made in this bill. Such a provision is unnecessary because the Budget Act appropriation itself constitutes spending authority in this case

"2.5. Of the amount appropriated in category (2), funds provided for underground storage remediation shall not be available for expenditure prior to legislative authorization"

Item 2200-001-001—For support of Department of Commerce. I reduce this item from \$18,042,000 to \$17,613,000 by reducing:

(f) 50—Small Business from \$5,241,000 to \$4,812,000, and deleting: Provisions 6 and 7.

I am reducing this item by \$429,000 and 3.0 positions to eliminate the legislative augmentation for the Small Business Development Center (SBDC) program. Chapter 1154, Statutes of 1983, which implemented the State SBDC program, linked the State program to the Federal Small Business Administration (SBA) program. Because SBA funds will be terminated in 1986-87, my budget eliminated the matching State funds for the program. We have recently learned of the availability of other Federal funds (Job Training Partnership Act) in the amount of \$400,000 and have requested the Legislature to approve the use of these funds for this purpose

I am deleting Provision 6 as a conforming action.

"6. Of the funds appropriated in category (f), \$429,000 shall be allocated to the Office of Small Business for the support of existing rural Small Business Development Centers (SBDC's) and three urban SBDC's, including an SBDC in San Diego County. The department shall negotiate in good faith with the United States Small Business Administration in an effort to secure Federal funding for the SBDC's and shall report to the chairs of the Senate Budget and Fiscal Review Committee and the Assembly Ways and Means Committee on the progress of these negotiations on October 1, 1986, and January 1, 1987. Notwithstanding on the availability of Federal funds, the \$429,000 shall continue to be available for the support of urban and rural SBDC's."

Further, I am deleting Provision 7 as it would restrict the department's ability to plan and conduct effective small business conferences throughout the year

"7. None of the funds allocated by the department for the purpose of conducting small business conferences shall be expended prior to January 1, 1987."

Item 2200-002-001—For support of Motion Picture Council. I reduce this item from \$110,000 to \$85,000

I am reducing this item by \$25,000 to eliminate the legislative augmentation for the Motion Picture Council. My budget provides \$85,000 for this agency which is the appropriate level established by Chapter 1639, Statutes of 1984, which transferred the Motion Picture Council to the Department of Commerce

Items 2200-003-001 through 2200-054-001—For support of Department of Commerce

I am eliminating Budget Act language from the following items that would prohibit payment of the Department of Commerce's exempt salaries unless an Executive Director to the Motion Picture Council is appointed. The language constitutes

an infringement on the appointment power of the Governor.

Item 2200-003-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between July 1, 1986 and July 6, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-004-001.

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between July 7, 1986 and July 13, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-005-001.

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between July 14, 1986 and July 20, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-006-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between July 21, 1986 and July 27, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-007-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between July 28, 1986 and August 3, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-008-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between August 4, 1986 and August 10, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-009-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between August 11, 1986 and August 17, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-010-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between August 18, 1986 and August 24, 1986, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-011-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between August 25, 1986 and August 31, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-012-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between September 1, 1986 and September 7, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-013-001:

I am deleting language from this item as follows.

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between September 8, 1986 and September 14, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-014-001:

I am deleting language from this item as follows.

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between September 15, 1986 and September 21, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-015-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between September 22, 1986 and September 28, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-016-001:

I am deleting language from this item as follows.

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between September 29, 1986 and October 5, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-017-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between October 6, 1986 and October 12, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-018-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001; available for encumbrance only between October 13, 1986 and October 19, 1986; if a qualified Executive Director of Motion Picture Council has been appointed.~~ "

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-019-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified~~

in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between October 20, 1986 and October 26, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-020-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between October 27, 1986 and November 2, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-021-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between November 3, 1986 and November 9, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-022-001:

I am deleting language from this item as follows

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between November 10, 1986 and November 16, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-023-001

I am deleting language from this item as follows

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between November 17, 1986 and November 23, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-024-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between November 24, 1986 and November 30, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-025-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between December 1, 1986 and December 7, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-026-001:

I am deleting language from this item as follows.

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between December 8, 1986 and December 14, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-027-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between December 15, 1986 and December 21, 1986, if a qualified Executive Director

tor of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-028-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between December 22, 1986 and December 28, 1986, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-029-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between December 29, 1986 and January 4, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-030-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between January 5, 1987 and January 11, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-031-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between January 12, 1987 and January 18, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-032-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between January 19, 1987 and January 25, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-033-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between January 26, 1987 and February 1, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-034-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between February 2, 1987 and February 8, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-035-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between February 9, 1987 and February 15, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-036-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between February 16, 1987 and February 22, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-037-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between February 23, 1987 and March 1, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-038-001

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between March 2, 1987 and March 8, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-039-001.

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between March 9, 1987 and March 15, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-040-001

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between March 16, 1987 and March 22, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-041-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between March 23, 1987 and March 29, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-042-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between March 30, 1987 and April 5, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-043-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; **Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between April 6, 1987 and April 12, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.**"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-044-001:

I am deleting language from this item as follows

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between April 13, 1987 and April 19, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-045-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between April 20, 1987 and April 26, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-046-001:

I am deleting language from this item as follows

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between April 27, 1987 and May 3, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-047-001.

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between May 4, 1987 and May 10, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item

Item 2200-048-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between May 11, 1987 and May 17, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-049-001.

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between May 18, 1987 and May 24, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-050-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between May 25, 1987 and May 31, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-051-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between June 1, 1987 and June 7, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-052-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only

between June 8, 1987 and June 14, 1987, if a qualified Executive Director of Motion Picture Council has been appointed."

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-053-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between June 15, 1987 and June 21, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2200-054-001:

I am deleting language from this item as follows:

"For support of Department of Commerce ; ~~Salaries of Exempt Positions Specified in subdivision (a) of Provision 5 of Item 2200/001/001, available for encumbrance only between June 22, 1987 and June 30, 1987, if a qualified Executive Director of Motion Picture Council has been appointed.~~"

I am also deleting Provisions 1, 2, and 3 from this item.

Item 2240-001-001—For support of Department of Housing and Community Development. I reduce this item from \$5,914,000 to \$5,714,000 by reducing:

(a) 10—Codes and Standards Program from \$18,949,000 to \$18,749,000,

(b) 20—Community Affairs Program from \$13,397,000 to \$13,297,000,

and by eliminating:

(v) Amount payable from the Special Account for Capital Outlay (Item 2240-001-036) (—\$100,000).

I am reducing this item by \$200,000 to reflect the elimination of an augmentation for additional field staff for enforcement of the Employee Housing Act. The department currently uses 6 personnel years for field enforcement activities. In my budget for fiscal year 1986-87, I proposed to increase this to 7.9 personnel years, an increase of almost 30 percent. This proposed staffing level is adequate to meet the estimated workload for this activity and further augmentation has not been justified.

I am eliminating the \$100,000 payable from the Special Account for Capital Outlay for the support of the Rural Development Assistance Program (RDAP) in Nevada, Sierra, Sutter, Yuba and Butte Counties. My budget contains approximately \$735,000 and 5.7 personnel years to support this program. In 1986-87 the department's Northern California office will be relocated and will provide direct service to Glen, Tehama, Butte and Yuba Counties. Included in the department's budget is \$100,000 for contract services in support of RDAP. These existing funds can be used to assist other counties, including Nevada, Sierra, and Sutter, on a priority basis. Tidelands revenues for 1986-87 are down from an original estimate of over \$400 million to less than \$100 million. In light of the funding provided in my budget and the fact there are not sufficient tidelands revenues, I believe it is inappropriate to use these revenues for discretionary program expansions in RDAP.

Item 2240-001-036—For support of Department of Housing and Community Development. I eliminate this item and delete Provision 1.

I am eliminating this item to correspond to the action I have taken in Item 2240-001-001.

I am deleting Provision 1 to conform to this action.

"1. Funds appropriated by this item shall be expended for contracted services in Nevada, Sierra, Sutter, Yuba, and Butte counties for the Rural Development Assistance Program established pursuant to Section 50507 of the Health and Safety Code. The contracted services shall be with regional nonprofit entities that are currently working in or have access to the area, and that have experience in providing and will under the contract provide comprehensive housing and community development services. Up to one-half of the contracted services shall be for community economic development services."

Item 2240-101-036—For local assistance, Department of Housing and Community Development. I eliminate this item.

I am eliminating the \$4,500,000 augmentation and associated language which

would provide \$2,000,000 for the Farmworker Housing Grant Program and \$2,500,000 for the development of additional farm labor camps. My budget already provides \$2,500,000 for the Farmworker Housing Grant Program and \$4,200,000 for the operation of 25 farm labor camps. In addition, I signed legislation last year, Chapter 967, Statutes of 1985, which provided \$1,400,000 for the development of additional farm labor camps. Further, I believe it is inappropriate to use tidelands revenues for discretionary program expansions in these areas.

I am deleting Provisions 1 and 2 to conform to this action.

"1 Of the amount appropriated by this item, \$2,000,000 shall be available for transfer by the Controller to the Farmworker Housing Grant Fund (927)."

"2. Of the amount appropriated by this item, \$2,500,000 shall be expended for development of farm labor camps pursuant to Section 50710 of the Health and Safety Code, provided that no more than \$600,000 may be expended for migrant housing which provides a parking space for travel trailers and vehicles for migrant farmworkers and minimum facilities such as water and utility hookups, laundries, and lavatories, and provided that not more than 3 percent of the amount may be transferred to category (b) of Item 2240-001-001 administrative costs."

Item 2240-101-843—For local assistance, Department of Housing and Community Development. I reduce this item from \$14,000,000 to \$9,000,000 by eliminating:

(a) (1) Rental Housing Construction Program (\$5,000,000),
and by deleting:

Provision 2

I am eliminating the \$5 million provided in this item for the Rental Housing Construction Program. In my January budget I proposed this item at \$20 million, of which \$10 million was for rental housing construction. However, due to the drop in oil prices, the estimated revenue from the State's tidelands dropped from over \$400 million to less than \$100 million. This drop in revenues required that reductions in program funding be made. In the May Revision, I proposed to reduce this item to \$10 million by eliminating funding for rental housing construction. That action constituted only a 50 percent reduction although revenues had dropped by 75 percent. That proposal still provided \$10 million to meet the more urgent housing needs. Since the revenue forecast has not improved, I must now reduce this item to conform to my proposed May Revision. My budget still provides \$3.4 million to allow the Rental Housing Construction Program to continue.

I am deleting Provision 2 to conform to this action

"2. Of the funds appropriated in this item for the Rental Housing Construction Program, up to 50 percent may be transferred to the Housing Rehabilitation Loan Fund to be used for Deferred Payment Rehabilitation Loans."

Item 2240-111-036—For local assistance, Department of Housing and Community Development. I eliminate this item.

I am eliminating this \$500,000 augmentation from the Special Account for Capital Outlay which would provide support for the Rural Facilities Technical Assistance Program. Of the \$73 million in the department's budget for local assistance, over 50 percent will go for assistance to small cities and rural areas. Further, my Rural Renaissance Program will provide \$8 million in additional funding to meet the unique needs of rural areas.

Tidelands revenues are down from original estimates of over \$400 million to less than \$100 million. In light of the funding discussed above and the fact there are not sufficient tidelands revenues, I believe it is inappropriate to use these revenues to fund discretionary programs.

Item 2240-121-001—For local assistance, Department of Housing and Community Development. I eliminate this item and delete Provisions 1, 2, 3 and 4.

I am eliminating this \$13 million augmentation for various housing programs because other funding is provided in my budget.

This augmentation would provide \$6 million for the Emergency Shelter Program (ESP). My budget provides \$4 million for ESP from the California Housing Trust Fund.

This augmentation would provide \$4.5 million for Deferred Payment Rehabilita-

tion Loans. My budget provides \$4.9 million for high priority rehabilitation programs. This includes \$1 million for Farm Labor Housing Rehabilitation, \$1.4 million for Deferred Payment Rehabilitation Loans, and \$2.5 million for Special User Housing Rehabilitation for the elderly and handicapped.

This augmentation would provide \$1 million for the Rental Housing Construction Program (RHCP). My budget provides \$3.4 million for RHCP.

This augmentation would provide \$1.5 million for the Rural Rental Assistance Program. Effective use of these funds requires that Federal funding be available from the Farmers Home Administration. From all indications these Federal funds will be very limited in 1986-87. Also, my budget provides assistance to rural areas from several sources. Twenty percent of all funds appropriated from the California Housing Trust Fund (\$2 million) must be used in rural areas. Of the \$35.6 million expected in Community Development Block Grant funds, approximately \$20.6 million will go to small cities and rural areas. Finally, my Rural Renaissance Program will provide \$8 million to meet the unique needs of rural areas.

I am deleting Provisions 1 through 4 to conform with this action.

- "1. Of the amount appropriated by this item, \$6,000,000 shall be for transfer to the Emergency Housing and Assistance Fund, to be encumbered pursuant to Chapter 11 (commencing with Section 50800) of Part 2 of Division 31 of the Health and Safety Code. Notwithstanding any other provision of law, up to 50 percent of these funds may be used for the cost of operations."
- "2. Of the amount appropriated by this item, \$4,500,000 is for transfer to the Housing Rehabilitation Loan Fund to be used for Deferred Payment Rehabilitation Loans."
- "3. Of the amounts appropriated by this item, \$2,500,000 is for the transfer to the Rental Housing Construction Fund, provided that up to \$500,000 may be transferred to the Housing Rehabilitation Loan Fund to be used for Deferred Payment Rehabilitation Loans, and that \$1,500,000 shall be expended for the Rural Rental Assistance Program"
- "4 Notwithstanding any other provision of law, up to 3 percent of the funds appropriated by this item may be transferred to category (b) of Item 2240-001-001 for personnel or contracted services."

Item 2290-001-217—For support of Department of Insurance.

I am approving legislative augmentations totalling \$1,050,000 and 22.8 personnel years to enable the department to increase consumer services to the public. The funds will provide for additional staff to respond to consumer complaints and to increase claims examinations of insurance companies, the establishment of toll-free telephone access lines to the department, and the publication and distribution of consumer information pamphlets to the public.

Item 2660-001-042—For support of Department of Transportation. I reduce this item from \$854,992,000 to \$854,286,000 by reducing:

(b) Highways from \$1,014,120,000 to \$1,013,414,000,

(b) (8) 20.80 Maintenance from (443,828,000) to (443,122,000) and by deleting.

Provisions 4, 5, 6, 7, 9, 10, 11, 12 and 13.

I am eliminating the \$700,000 and 17.7 personnel years legislative augmentation. This augmentation was added to increase the level of staff available for snow removal activities. However, the department has taken alternative action to increase resources available for snow removal. Additionally, the department is revising its operating procedures to ensure that snow removal staff are in place at mountain maintenance stations in time to meet future snow emergencies.

I am deleting Provision 9 to conform to this action.

- "9 The augmentation of \$700,000 shall be used by the Department to hire 50 permanent/intermittent employees during the winter season to be stationed in mountain areas to maintain snow removal equipment and to clear snow from the highways."

I am also deleting Provision 10 to conform to this action.

- "10. The Department shall, to the maximum extent possible, discontinue its policy of utilizing permanent on-call employees for snow removal activities."

Provision 10 constitutes interference in the management of an Executive Branch department. Furthermore, the department has already eliminated its use of permanent on-call employees for snow removal work. Therefore, it is both unnecessary and inappropriate.

I am eliminating \$1,000 which would be required to perform a study of the department's snow removal activities, as specified in Provision 11. The information requested by Provision 11 is speculative and of a nature that requires analytical resources not possessed by the department.

I am deleting Provision 11 to conform to this action.

"11. The Director shall report to the Legislature and the Legislative Analyst by April 1, 1987, on the result of the Department's redirection of 21 personnel-years to snow removal activities and its increase of 31 personnel-years for cash overtime. The report shall take into account (a) cost effectiveness; (b) quality of service; (c) lost revenue and taxes resulting from necessary and unnecessary road closures; (d) management issues, such as employee morale, and (e) equipment maintenance needs."

I am eliminating \$1,000 which would be required to perform a study on the effectiveness of contracting for highway maintenance and project development work. While a portion of the information requested would be relatively simple to produce, the information related to the volume of work accomplished is likely to be misleading because of the unique characteristics of each highway maintenance and project development task. Furthermore, nothing in this provision provides any form of budget control, therefore, it is inappropriate to include it in the Budget.

I am deleting Provision 4 to conform to this action.

"4. The Director shall report to the Chairman of the Joint Legislative Budget Committee and the chairman of the fiscal committees by December 15, 1986, on the effectiveness of contracting and the department's experience since 1984-85. The report shall include, but not be limited to, the following information: (1) the appropriated amounts and actual amounts spent for contracting in the 1984-85 and 1985-86 fiscal years for identified activities in highway maintenance and project development; and (2) the volume of work accomplished in each category of activities and the personnel-year equivalent of this work, had the department performed the work using its own staff."

I am eliminating \$1,000 which would be required to perform a study to implement SCR 59. Accounting for funds is an administrative matter which must be handled by management. The Department of Transportation, in conjunction with the Department of Finance, began a review of State Highway Account accounting in January 1986 and I expect to receive final recommendations for change by early 1987. Thus, the study proposed in Provision 5 is duplicative and unnecessary.

I am deleting Provision 5 to conform to this action.

"5. Of the funds appropriated in this item, an amount not to exceed \$150,000 may be used to contract with the Legislative Analyst for purposes of contracting for a study pursuant to SCR 59 of the 1985-86 Regular Session to identify alternatives to accrual methods of accounting for State Highway Account funds, the impact of such alternatives on project programming, budgeting, and accounting procedures; and to make recommendations on prudent changes in the management of the state resources supporting the State Highway Program which would minimize the accumulation of large appropriated and unappropriated balances in the State Highway Account."

I have taken the opportunity to review the Legislature's action on the contracting-out proposals which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public. Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would have allowed the Department of Transportation to contract for project development work was not accepted. In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract out. I am, therefore, eliminating the budget control language added by the Legislature which would require the passage of additional legislation before the department could use more than one-quarter of the \$21 million added to the budget for contracting for project

development work. Existing provisions of the Government Code and Streets and Highways Code provide sufficient authority to engage in the proposed contracts

I am also deleting Provision 6 to conform to this action

- "6 Of the amount appropriated by this item, \$5,250,000 may be expended in the first quarter of fiscal year 1986-87 for contracting out the equivalent of 66.75 personnel years of project development work consistent with existing law. After the first quarter, \$15,750,000 shall be expended to employ up to 203.75 personnel years of departmental staff to perform project development work, or may be expended for contracting out the equivalent of 203.75 personnel years if and only if legislation is enacted providing the department with clear contracting authority for this work."

I am eliminating \$1,000 which would be required to perform a semi-annual report on the contracting of project development work. The information requested in this language, such as an assessment of "the potential and ease to contract with the private sector" is necessarily subjective, and is therefore not appropriate for inclusion in the Budget.

I am deleting Provision 7 to conform to this action.

- "7. The department shall report on December 31, 1986, and semiannually thereafter, on its contracting experience. Information reported shall include, but not be limited to, the types and amount of project development work contracted and an assessment of the potential and ease to contract with the private sector on a continuous basis."

I am eliminating \$1,000 which would be required to perform a system analysis of the State Route 61 Corridor. The department operates a comprehensive Transportation Planning Program which evaluates highway needs on a statewide basis. State Route 61, like all other highway needs, should be addressed through this comprehensive program. To provide separate and specialized consideration of one highway route would be inequitable to all others and would pose a bad precedent. Furthermore, the department intends to participate in a study of the Route 61 Corridor in conjunction with Alameda County, the Cities of Oakland and Newark, and other jurisdictions affected. The purpose of the study will be to assess the best method of determining the location of Route 61 and protecting its right-of-way from extensive development. Given this action, as well as the existence of a formal Transportation Planning Program, the study requested in Provision 12 is unnecessary.

I am deleting Provision 12 to conform to this action.

- "12. Of funds appropriated in this item, up to \$800,000 from the State Highway Account shall be available to the Department to perform a detailed system analysis of the State Route 61 Corridor between State Route 84 in Newark and I-580 in Albany."

I am eliminating \$1,000 which would be required to provide a report to the Legislature on the department's guidelines on the use of overtime. Overtime is an effective means for maintaining transportation project schedules and accommodating fluctuating workloads. In the Highway Transportation Program overtime enables project development staff to take advantage of the extended daylight available in summer and accelerate project completion. Overtime is also a key resource for maintenance staff who must often work long hours to clear highways after storms. The prudent allocation of overtime in order to meet such needs is proper and reasonable.

I am deleting Provision 13 to conform to this action.

- "13. No funds allocated for Capital Outlay Support overtime shall be expended in such a way that any employee receives overtime payments in excess of three months in any one year, except for employee overtime payments made for the duration of flood, fire, or other similar emergency. The Director shall report to the Legislature by September 1, 1986 on its guideline on the use of overtime in Capital Outlay Support "

Item 2660-051-001—For transfer to the Transportation Planning and Development Account, State Transportation Fund, Department of Transportation. I reduce this item from \$55,000,000 to \$35,000,000.

I am reducing this item by \$20,000,000. This reduction will retain a General Fund

transfer to the Transportation Planning and Development Account (TP&D) which is sufficient to fund all Transit Capital Improvement projects which were originally proposed in the Budget. It is also consistent with the level of General Fund impact which was estimated when SB 300 (Chapter 1600, Statutes of 1985) was enacted. Moreover, although this action is likely to reduce the level of transit subsidies available through the State Transit Assistance (STA) program, transit districts will receive approximately \$584,000,000 in transit subsidies through the Local Transportation Fund during 1986-87, an increase of \$37 million over 1985-86. Furthermore, I am sustaining budget control language which would appropriate any additional TP&D revenues for STA. Therefore, California's transit districts should have sufficient resources to continue to provide effective transit services during 1986-87.

Item 2660-301-042—For Capital Outlay, Department of Transportation. I delete Provision 5.

Provision 5 of this item is inconsistent with the existing procedures for planning and funding transportation projects. These procedures constitute the State Transportation Improvement Program (STIP), which is developed and updated on an annual basis by the Department of Transportation in conjunction with California's regional transportation planning agencies, and adopted by the California Transportation Commission. The STIP procedures, as authorized by the Government Code, ensure that all prospective transportation projects are evaluated equitably and that funding priorities reflect statewide needs. This language provides for specialized funding treatment for a particular project. Sustaining this language would set an undesirable precedent by encouraging others to seek special consideration for particular projects. Therefore, I am deleting Provision 5.

"5. When the existing Moorpark Maintenance Station in Ventura County is sold, proceeds from the sale may be used to construct a new maintenance station."

Item 2660-301-890—For Capital Outlay, Department of Transportation. I delete Provisions 6 and 7.

I am deleting Provision 6.

"6. Of the \$100,000,000 in State Highway Account funds included in this item specifically to replace federal funds in order to maintain existing commitments in the 1985 State Transportation Improvement Program, no funds may be expended until 30 days after notification to the Legislature by the Director of Transportation of the intent to expend the funds. Notification shall be made to the chairpersons of the Joint Legislative Budget, the Assembly Transportation, and the Senate Transportation committees."

This provision is unnecessary and would not be operative if it remained in the budget because it applies only to State Highway Account funds. There are no State Highway Account funds in this item. I am, however, retaining Provision 6 in Item 2660-301-042 where it will have the effect intended by the Legislature.

I am also deleting Provision 7.

"7. Provisions 7 to 9, inclusive, of Item 2660-301-042 shall also be applicable to this item."

Provisions 7 to 9, inclusive, of Item 2660-301-042 refer only to State Highway Account funds. Since there are no State Highway Account funds in this item, this language would not be operative. I am, however, retaining Provisions 7 to 9 in Item 2660-301-042 where they will have the effect intended by the Legislature.

Item 2720-001-044—For support of Department of the California Highway Patrol. I reduce this item from \$467,057,000 to \$466,997,000 by reducing:

(a) 10—Traffic Management from \$430,264,000 to \$430,204,000, and deleting Provision 2.

I am eliminating the legislative augmentation of \$60,000 to fund a cellular phone pilot project because the purpose and scope of the study have not been adequately defined and I am unable to substantiate the need for the pilot project or the benefits to be derived. The budget includes \$10.1 million for telecommunication equipment. Included in this amount is \$7.5 million for the first year of a 3-year replacement project of mobile enforcement radios. Because this replacement effort to upgrade the mobile radios is underway and will significantly improve the California Highway

Patrol telecommunication network, there appears to be no need to further increase funding in this area.

I am also deleting Provision 2 to conform to this section.

"2 The Department of the California Highway Patrol shall report to the Legislature on or before November 1, 1986, on the effectiveness of using cellular phones in the department's vehicles."

Item 2720-301-044—For capital outlay, Department of California Highway Patrol. I delete Provision 4

Provision 4 of this item is not necessary as the information requested by this provision has already been provided to the Committee and can be supplemented should further questions exist. Therefore, I am deleting Provision 4

"4. On or before September 1, 1986, the California Highway Patrol shall submit a report to the Chairperson of the Joint Legislative Budget Committee which details why the budget estimate for the Golden Gate facility, as approved by the Public Works Board, did not include an adjustment for inflation."

Item 2740-001-044—For support of Department of Motor Vehicles. I reduce this item from \$233,229,000 to \$233,193,000 by reducing

(b) Operating Expenses and Equipment from \$100,936,260 to \$100,734,000, and by eliminating:

(h) Amount payable from the Financial Responsibility Penalty Account (Item 2740-001-487) (\$166,260), and by deleting Provision 4

I am eliminating the legislative augmentation of \$166,260 payable from the Financial Responsibility Penalty Account (Item 2740-001-487) to fund an uninsured motorist victim study because the purpose and scope of the study have not been adequately defined and I am unable to substantiate the need or potential benefit of the study.

I am eliminating the legislative augmentation of \$35,000 to fund a lease for a new facility in the Simi Valley area. Local offices of the Department of Motor Vehicles are established in new areas on a priority basis determined by a needs study. It is my understanding that the office for Simi Valley has been designated as a priority as a result of the normal review process. Therefore, I see no reason to alter the rankings and move this office to a higher priority.

I am eliminating \$1,000 which would be required to perform a management study. It is unclear what the management study would accomplish and the cost of conducting a zero-based budget analysis may outweigh the benefits derived because the bulk of the department's workload is mandated by legislation and determined by the number of vehicles and drivers operating in California.

I am also deleting Provision 4 to conform to this action

"4. The Director, in preparing the 1987-88 budget request, shall require managers to compare, evaluate, and rank existing programs and activities (base expenditures) against new programs, and alternative ways of achieving objectives. In meeting this requirement, the Department shall participate in a management study to be performed by an outside contractor. The Director shall select, with the approval of the Directors of Finance and General Services, a qualified contractor, having knowledge and experience in (a) state organizations and operations, (b) state fiscal and budget practices, and (c) zero-based budgeting techniques, to perform the management study. The Request for Proposal shall be reviewed by the Chairs of the Joint Legislative Budget Committee, the fiscal committees, and the policy committees prior to its release. The cost of the contract shall not exceed \$200,000. The Director shall include in the requirements of the contract that a report be provided to the Legislature from the contractor by December 15, 1986."

Item 2740-001-487—For support of Department of Motor Vehicles. I eliminate this item

I am eliminating this item to correspond to the action I have taken in Item 2740-001-044.

Item 2740-301-044—For capital outlay, Department of Motor Vehicles. I delete Provisions 2 and 3

I am deleting Provision 2 pertaining to the Upland field office because, in limiting how the Director of General Services may assign resources regarding internal workload distribution, prudent management principles would be violated.

"2. Project design for the proposed new facility in category (9) shall be administered through the Office of Project Development and Management in the Department of General Services rather than through the Office of the State Architect."

I am also deleting Provision 3 because I believe that establishment of this reporting requirement is not necessary. Current administrative procedures provide appropriate authority to monitor this project in accordance with legislative intent, and legislative staff can be apprised of any necessary augmentations.

"3. The Director of Motor Vehicles shall notify the Chairperson of the Joint Legislative Budget Committee 30 days prior to any augmentation for the Fullerton project included in Category (1)."

Item 3380-001-001—For support of the California Waste Management Board. I reduce this item from \$4,355,000 to \$4,305,000 by reducing:

(b) 300000—Operating Expenses and Equipment from \$1,378,000 to \$1,328,000.

I am eliminating a \$50,000 legislative augmentation to fund a study of used tire disposal in the State. The Board already has \$515,000 in its baseline budget for studies and other contracts. The Board is provided latitude in the expenditure of these funds and if a used tire study is necessary, the Board has sufficient resources to fund such a study from within its baseline budget.

Item 3400-001-001—For support of State Air Resources Board. I reduce this item from \$5,990,000 to \$5,940,000 by reducing:

(b) 20—Environmental Affairs from \$1,229,000 to \$1,179,000, and by deleting Provision 4.

I am eliminating the \$50,000 legislative augmentation for the voluntary registration of environmental assessors, as proposed in SB 1875. I believe that this augmentation should be considered as part of the pending legislation.

I am also deleting Provision 4 to conform with this action.

"4. Of the amount appropriated by category (b), \$50,000 shall be available for expenditure only if Senate Bill No. 1875 of the 1985-86 Regular Session is chaptered."

Item 3400-101-044—For local assistance, State Air Resources Board. I reduce this item from \$9,011,000 to \$7,511,000 by reducing:

(b) 500005—Special Grants from \$2,000,000 to \$500,000, and by revising Provision 1

I am reducing \$1,500,000 of the \$2,000,000 legislative augmentation for the Special Grants Program. I am retaining \$500,000 to be available for grants to rural districts. Given the priorities for funding with the limited available resources, I believe it is important that local districts seek to maximize their fee-setting authority. In addition, the State Air Resources Board should investigate the possibility of restructuring the subvention program in order to provide a larger share of the funds to the smaller districts. This would compensate them for their lower revenue-producing ability which results from their smaller population base.

I am also revising Provision 1 to conform with this action as follows:

"1. Of the funds appropriated by this item, ~~\$2,000,000~~ \$500,000 in category (b) shall be available for special grants, to be allocated by the State Air Resources Board in accordance with the following criteria.

a. The State Air Resources Board shall develop guidelines to administer this special grants program, including criteria for awarding grants to local districts, in consultation with the local air pollution control districts. Activities fundable under this program shall include, but not be limited to:

- (i) Assessing waste-to-energy projects.
- (ii) Monitoring and controlling landfill emissions.
- (iii) Emissions inventory.
- (iv) Assessing toxic risks and planning to prevent accidental and routine emissions
- (v) Small business assistance

- (vi) Environmental impact report assessments.
- (vii) Other stationary and mobile source pollution control activities.
- b. ~~\$500,000 of the \$2,000,000 available for this special grants program shall be set aside to fund grants submitted by rural districts. Amounts not awarded to rural districts shall be made available to other districts.~~
- c. ~~\$1,500,000 of the \$2,000,000 available for this special grants program shall be available to all local districts. Project awards shall be granted on the basis of priorities as set forth in the guidelines developed by the State Air Resources Board, in consultation with local air pollution control districts.~~
- d. In order to qualify for a special grant, a district shall have a fee system in place which recovers the cost of administering the air pollution control program for major air pollution sources (that is, those sources that produce 100 tons per year or more) in the district."

Item 3540-001-001—For support of Department of Forestry. I reduce this item from \$196,226,000 to \$196,001,000 by reducing:

(b) 300000—Operating expenses and equipment from \$86,987,000 to \$86,762,000, and by deleting Provision 5.

I am eliminating the \$225,000 legislative augmentation for a spare helicopter. Currently, the Department of Forestry has nine UH-1F helicopters which it uses in its firefighting activities. My budget contains \$241,000 from the General Fund to make an additional tenth helicopter available for the Department's firefighting activities. This helicopter will be stationed in southern Monterey County, which is the only remaining area in the State which does not have a helicopter available to respond to a fire within the 30 minute response time standard established by the Department of Forestry and the Federal Government. In addition, I have retained a \$75,000 General Fund augmentation made to Item 3540-301-001 in order to provide funding for the preliminary plans and working drawings that must be completed prior to construction of the base for the tenth helicopter. However, in contrast to the documented need for this tenth helicopter, there is no demonstrated need for the spare helicopter added by the Legislature. Consequently, I am eliminating the \$225,000 legislative augmentation and deleting Provision 5 to conform with this action:

"5. The \$225,000 appropriated by this item for a spare helicopter shall not be encumbered or expended sooner than 30 days after notification in writing to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may determine."

Item 3540-301-001—For capital outlay, Department of Forestry. I reduce this item from \$500,000 to \$75,000 by reducing:

(1) 30.30.075—Lonoak Helitack Base—preliminary plans, working drawings and construction, from \$500,000 to \$75,000.

I am reducing this item to \$75,000 to fund preliminary plans and working drawings only for a helitack base in southern Monterey County. The construction phase funding is deleted because there is neither reasonable assurance that the appropriation level is correct nor the prospect of bid documents being completed during 1986-87. Funding for repair of the helicopter to be stationed at this base is included in Item 3540-001-001. The helicopter will be stationed temporarily at an existing facility, but future deployment to this new facility will assure improved response time in southern Monterey County.

Item 3600-001-140—For support of Department of Fish and Game. I reduce this item from \$10,897,000 to \$10,272,000, and by deleting Provision 3.

I am eliminating the \$75,000 legislative augmentation for a study of the impacts of temporary summer recreational dams on Austin Creek in Sonoma County. The full costs of this study should more appropriately be borne by those who are preparing to construct the dams.

I am also deleting Provision 3 to conform with my action.

"3. None of the funds appropriated by the item for the use of Sonoma County

to contract for a study of the temporary dams placed on Austin Creek shall be expended until the Director of Fish and Game determines that local sources have committed from nonstate funds 25 percent of the total project costs."

I am approving \$500,000 of a \$1,000,000 augmentation for continued support of the Department of Fish and Game's stream flow assessment program as provided in Chapter 1259, Statutes of 1985. My action is consistent with the level of funding contained in Chapter 1259/85.

I am also eliminating the \$50,000 legislative augmentation to complete the construction of the Suisun Marsh Wildlife Rehabilitation and Education Building because the need for this augmentation has not been clearly established.

These actions reduce the amount payable from this item to Item 3600-001-200.

Item 3600-001-200—For support of Department of Fish and Game. I change this item by reducing:

- (b) 300000—Operating Expenses and Equipment from \$45,426,000 to \$44,801,000,
- (f) Amount payable from the California Environmental License Plate Fund (Item 3600-001-140) from —\$10,897,000 to —\$10,272,000.

I am reducing \$625,000 from the amount payable from the California Environmental License Plate Fund to reflect the following. 1) elimination of an augmentation of \$75,000 to study the impacts of temporary summer recreational dams constructed on Austin Creek; 2) reduction of \$500,000 of a \$1,000,000 augmentation for the stream flow assessment program provided by Chapter 1259/85, and 3) elimination of \$50,000 to complete the construction of the Suisun Marsh Wildlife Rehabilitation and Education Building. I am reducing these augmentations to correspond to the actions taken in Item 3600-001-140.

Item 3680-001-001—For support of Department of Boating and Waterways I reduce this item from \$615,000 to \$260,000

I am eliminating the \$355,000 legislative augmentation for Beach Erosion Control Studies because funding is not available to provide for both these studies and other higher priority projects. These studies may be considered for funding in future years if sufficient resources are available. I am approving \$3,670,000 in Item 3680-111-890 for Beach Erosion Control projects to provide for public health and safety improvements as well as recreational enhancement

Item 3680-001-516—For support of Department of Boating and Waterways. I change this item by reducing:

- (b) Operating Expenses and Equipment from \$1,680,000 to \$1,325,000, and
- (f) Amount payable from the General Fund from —\$615,000 to —\$260,000

I am reducing this item by \$355,000 from the amount payable from the General Fund to correspond to my action taken in Item 3680-001-001.

Item 3720-101-001—For local assistance, California Coastal Commission I reduce this item from \$280,000 to \$0 by reducing:

- (a) 10—Coastal Management Program from \$671,000 to \$391,000.

I am eliminating the \$280,000 legislative augmentation because sufficient funding for local coastal planning assistance is provided through an increase in the level of federal funds. I am approving an increase of \$291,000 in Item 3720-101-890 to provide for a total of \$391,000 for this purpose.

Item 3760-301-730—For capital outlay, State Coastal Conservancy. I reduce this item from \$23,850,000 to \$22,850,000 by eliminating.

- (8) 80.18.022—Malibu Canyon, \$600,000 and
- (9) 80.18.023—Ballona Creek Living Museum, \$400,000, and deleting Provision 9.

I am eliminating the Malibu Canyon project because a companion appropriation in Item 3790-301-722 (77) of \$1,900,000 from the Parklands Fund of 1984 was not ranked within the first priority for acquisitions from that fund by the Department of Parks and Recreation and is being vetoed for that reason. Without the added \$1.9 million, this appropriation is not viable.

I am eliminating the \$400,000 appropriation for the Ballona Creek Living Museum because similar funding is being carried in AB 3253. I prefer that bill as the vehicle for this funding because it provides better opportunity to make clear the State's role

in the living museum project.

As a conforming action, I am deleting the related Provision 9.

"9. It is the intent of the Legislature that the State Coastal Conservancy Fund of 1984 be repaid for expenditures related to the Malibu Canyon within three years of this appropriation from any available funding source, but with first priority for repayment being funding available to the State Department of Parks and Recreation, including, but not limited to, any future Bond Act Funds."

Item 3790-001-001—For support of Department of Parks and Recreation. I reduce this item from \$79,587,000 to \$79,507,000 by reducing:

- (a) 100000—Personal Services from \$96,163,000 to \$95,761,000,
 - (b) 300000—Operating Expenses and Equipment from \$40,339,000 to \$40,171,000,
 - (c) Reimbursements from —\$9,014,000 to —\$8,524,000,
- and deleting Provisions 2 and 3.

The net effect of my actions is to reduce this item by \$80,000 to reflect the following actions:

I am eliminating the legislative augmentation of \$60,000 in operating expenses for the continuing support of the California Agricultural Museum. It is inappropriate for the State to continue this funding for the non-profit organization to operate, this museum for a third year, particularly since the organization was to be raising non-state matching funds for the construction of the museum, and that matching requirement for the construction was eliminated by the Legislature.

I am reducing the \$75,000 legislative augmentation for the purchase of an airplane for Anza Borrego Desert State Park to \$55,000 to reflect the reduction of 1.5 personnel years and \$20,000 savings that will result from the increased operational efficiency in the patrol of the park unit.

I have taken the opportunity to review the Legislature's action on my contracting-out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public. Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would have allowed the Department of Parks and Recreation to realize the expertise of the private sector related to general plans and resource inventories was not accepted. In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract-out. I am, therefore, eliminating the 10 personnel years added by the Legislature and will use the related funds to contract these services.

I am also deleting Provisions 2 and 3 which are duplicative of existing administrative procedures and policies and, therefore, are not necessary.

- "2. Of the amount appropriated by this item, \$496,000 shall be available for an automated inventory system, but shall not be available for expenditure until the Department of Finance, Office of Information Technology, has approved a feasibility study report on the system. If the cost of the alternative approved by the Department of Finance is less than \$496,000, the difference between the amount approved and \$496,000 shall revert to the General Fund.
- 3. Of the amount appropriated by this item, \$137,000 shall be available for a computer-aided drafting/design system, and the department shall submit to the Legislature with its 1987-88 budget request a report including all of the following information: (1) the level of increased output the Graphic Services Unit has achieved as a result of the installation of a computer-aided drafting/design system, and (2) the projected workload and staffing needs in the Graphic Services Unit over the next five years."

Item 3790-011-001—For support of Department of Parks and Recreation. I eliminate this item.

I am eliminating this item in the amount of \$66,000 for operating expenses for Seccombe Lake State Urban Recreation Area. AB 3984, which is before the Legislature, would require that the Department of Parks and Recreation enter into a new operating agreement with the City of San Bernardino for the next five years for the shared cost of operation and maintenance of Seccombe Lake SURA. The first year

costs of the proposed agreement should be contained in AB 3984.

Item 3790-101-140—For local assistance, Department of Parks and Recreation.

I am approving the augmentation of \$105,000 for a local assistance grant for the Great Valley Natural History Museum because this is a one-time need for capital improvements and no additional State funding will be required for this project.

Item 3790-101-722—For local assistance, Department of Parks and Recreation. I reduce this item from \$38,474,000 to \$38,224,000 by reducing (d) from \$3,419,000 to \$3,169,000 by reducing:

(d) (24) City of San Diego, Balboa Park Administration Building from \$300,000 to \$150,000,
and by eliminating:

(d) (28.5) City of Benicia, Clocktower Fortress—Repair/Renovate Roof and Ceiling, \$100,000.

I am eliminating the legislative augmentation of \$150,000 for a local assistance grant to the City of San Diego because the available allocation under the 1984 Bond Act for 1986–87 was not sufficient to fund all recommended projects at the requested level. After this reduction, the City of San Diego will still receive a grant of \$150,000 to cover the essential preservation work on this building.

I am eliminating the legislative augmentation of \$100,000 for the local assistance grant in Solano County for the City of Benicia because this project failed to compete favorably in the 1986–87 competitive bond allocation process under the California Park and Recreational Facilities Act of 1984.

Item 3790-101-733—For local assistance, Department of Parks and Recreation. I reduce this item from \$1,960,000 to \$150,000 by eliminating

(1) County of Los Angeles, Hollywood Bowl, Additions, \$1,400,000,

(2) City of Kingsburg, Swimming Pool, \$400,000.

I am also eliminating \$10,000 from the item total as a technical adjustment

I am eliminating the legislative augmentation of \$1,400,000 for the County of Los Angeles because the funding for this project is contained in SB 2320. Administration support for SB 2320 should not be construed by this action.

I am eliminating the legislative augmentation of \$400,000 for the City of Kingsburg because this project should be submitted through the State competitive grant process so that it can be reviewed and evaluated in the context of competing needs for this fund source.

Item 3790-101-742—For local assistance, Department of Parks and Recreation. I reduce this item from \$2,631,000 to \$1,101,000 by eliminating:

(3) City of Downey—Wilderness Park, Fish Habitat Enhancement, \$25,000,

(4) City of Downey—Wilderness Park, Shoreline Stabilization, \$25,000,

(6) City of Piedmont, Dracena Quarry Park, Development, \$192,000,

(7) County of Riverside, Chinatown Archaeological Project, Acquisition, \$213,000,

(9) City of San Francisco, Kezar Stadium renovations, \$475,000,

(10) County of Santa Cruz, Quail Hollow Ranch, Acquisition, \$600,000.

I am eliminating the \$1,530,000 legislative augmentation for these six local assistance projects because they should be submitted through the State competitive grant process for review and evaluation.

Item 3790-301-263—For capital outlay, Department of Parks and Recreation

I delete Provision 2.

Provision 2 attached to the Hungry Valley State Vehicular Recreation Area (SVRA) project to prepare an Off-Highway Vehicle (OHV) Fair site and access road in Quail Canyon is premature. Development of the access and utilities are significantly affected by the required Peace Valley Flood Channel now in preliminary design by the Department of Water Resources for Quail Lake of the State Water Project. The Off-Highway Motor Vehicle Recreation Commission must also approve the Quail Canyon development as required under the Public Resources Code Section 5090.24(e).

Since the Hungry Valley Fair is a function of the 51st District Agricultural Association, the Department of Parks and Recreation should coordinate the development of Quail Canyon with the Association. Requests to fund the OHV Fair site and access

road are considered high priority and should be submitted when the above issues are resolved. Therefore, I am deleting Provision 2.

- "2. Priority in the expenditure of funds appropriated in category (1) for the Hungry Valley SVRA shall be given to preparation of the OHV Fair Site and access road in Quail Canyon. No more than 50 percent of the funds may be expended on other portions of the Hungry Valley SVRA until the OHV Fair Site in Quail Canyon is completed."

Item 3790-301-392—For capital outlay, Department of Parks and Recreation. I reduce this item from \$5,671,000 to \$5,039,000 by reducing

- (2) 90 AC.400—Old Sacramento SHP, Engineering Building Site—Acquisition from \$1,292,000 to \$660,000.

I am reducing the appropriation for Old Sacramento SHP, Engineering Building Site-acquisition by \$632,000 which will allow the acquisition of the 2 parcels proposed in the Governor's Budget

Item 3790-301-721—For capital outlay, Department of Parks and Recreation. I reduce this item from \$4,205,000 to \$3,205,000 by reducing:

- (3) 90.E4.400.862—Chino Hills SP—Rimpau and Astro Group—acquisition from \$1,350,000 to \$450,000, and by eliminating:

- (4) 90.IT.400—Hopetown Property—acquisition, \$100,000, and deleting Provision 1.

I am reducing the \$1,350,000 legislative augmentation for Chino Hills SP acquisition by \$900,000 to \$450,000 which will provide sufficient funding to acquire the former 120 acre Brown property (now owned by the Astro Group). Funding for the remaining Rimpau property may be requested in the 1987-88 budget process because an option on that property is in effect during 1986-87.

I am deleting Provision 1 as a conforming action

- "1. Funds appropriated in category (3) for acquisition as additions to Chino Hills State Park shall be encumbered subject to the following conditions:

- (a) The property (commonly known as Rimpau), approximately 450 acres, shall be acquired by the Department of Parks and Recreation.
- (b) The property (commonly known as Astro Group (Brown)), 120 acres, shall be acquired by the Department of Parks and Recreation.
- (c) If the Department of Parks and Recreation does not acquire the parcels by March 30, 1987, then the funds that would have been available for the acquisition of the property are reappropriated for the acquisitions of properties known as Shell-Brea-Olinda, Chevron, Lamb, or any other high-priority parcel."

I am eliminating the \$100,000 augmentation for Hopetown property acquisition because there are unfunded higher priority parkland acquisition proposals in the State and this region.

Item 3790-301-722—For capital outlay, Department of Parks and Recreation. I reduce this item from \$41,874,000 to \$38,402,000 by reducing:

- (34) 90 CO 100—Wilder Ranch SP—Phase II Historic Restoration from \$1,223,000 to \$1,133,000, by eliminating:

- (3.2) 90 6F.100—Angel Island SP—Tiburon Land Base Improvements, \$500,000,
 - (6.7) 90 95.100—Little Franks Tract—Storm Damage Repair, \$982,000,
 - (7.7) 90 EX.400—Malibu Creek SP—Malibu Canyon acquisition, \$1,900,000,
- and deleting Provisions 2 and 4.

The net effect of my actions is the reduction of \$3,472,000 as follows:

I am approving \$490,000 in category (6) Design and Construction Planning to be used for general plan and resource element contracting to obtain the expertise of the private sector. (Refer to Item 3790-001-001.)

I am eliminating the \$90,000 legislative augmentation for Wilder Ranch Phase II Historic Restoration because these funds are not necessary based on the most recent cost estimate for this project

I am eliminating the \$982,000 legislative augmentation for Little Franks Tract—storm damage repairs because it is an additional, substantial commitment of the total

\$5 million of 1984 Bond funds allocated for storm damage repairs. I have previously approved two appropriations totaling \$1 million from 1984 Bond funds for this project. I am also concerned about the need for local participation in the operation and maintenance of this project.

I am eliminating the \$1,900,000 legislative augmentation for Malibu Canyon acquisition because this fund source has limited reserves and has been recommended for higher priority projects through the statutory project nomination process.

I am eliminating the \$500,000 legislative augmentation for Angel Island SP—Tiburon Land Base improvements because this project should be submitted for consideration during the normal budget process.

I am deleting Provision 2 because it is inappropriately placed in the Department of Parks and Recreation item:

- "2. Of the amount appropriated in Category (7) for acquisition of Malibu Creek State Park, \$232,000 shall be allocated by the Santa Monica Mountains Conservancy for improvements to the Hunter Ranch project pursuant to Section 13, Chapter 1616, Statutes 1982, and an interagency agreement between the Department of Parks and Recreation and the Conservancy."

I am also deleting Provision 4 because it constitutes an infringement upon existing statutory authority to administer a capital outlay project.

- "4. Notwithstanding any other provisions of law, neither the State Public Works Board nor the Department of Finance shall authorize any augmentations of the amount appropriated in category (12) other than augmentations for increases in the construction cost index from July 1, 1986."

Item 3790-301-784—For capital outlay, Department of Parks and Recreation. I eliminate this item and delete Provision 1.

I am eliminating the \$900,000 legislative augmentation because the funding is proposed from a non-existent bond fund. Further, no bill to place such a bond measure before the voters has been endorsed by this Administration. In the event a bond act is approved by the electorate to provide funds for projects such as the Hopetown property acquisition, the projects should be submitted for review and evaluation through the annual budget process.

As a conforming action, I am deleting Provision 1.

- "1. No funds appropriated in category (1) shall be expended unless and until an equal amount of matching funds is provided from a source other than the Department of Parks and Recreation. The Department of Parks and Recreation shall expend no funds for the development of recreational vehicle facilities at the Hopetown site prior to 30 days advance written notification to the chairpersons of the legislative fiscal committees, including the Joint Legislative Budget Committee."

Item 3810-001-001—For support of Santa Monica Mountains Conservancy. I reduce this item from \$348,000 to \$248,000 by reducing:

- (b) 300000—Operating Expenses and Equipment from \$301,000 to \$201,000.

I am reducing \$100,000 from the General Fund to correspond with my action in Item 3810-011-941.

Item 3810-011-941—For support of Santa Monica Mountains Conservancy.

I am changing this item to eliminate the use of the augmentation of \$100,000 for security services. This requirement for security services is in AB 2688 which would be the proper means to appropriate first year costs. However, Administration support for AB 2688 should not be construed by this action. Elimination of this requirement for security services and my action on Item 3810-001-001 will assure that sufficient funding from the Santa Monica Mountains Conservancy Fund is available for the Conservancy's support budget.

As a conforming action, I am deleting Provision 1.

- "1. It is the intent of the Legislature that \$100,000 of the funds appropriated by this item shall be used for enhanced security for properties owned or managed by the Conservancy. It is further the intent of the Legislature that (1) the Department of General Services approve the necessary interagency agreements in an expeditious manner and (2) personnel be added as necessary to provide security services, rather than be redirected from other activi-

ties."

In addition, I am revising Provision 2 as a conforming action.

"2. Funds appropriated from the Santa Monica Mountains Conservancy Fund pursuant to this act shall be used in the following priority order:

- (a) ~~\$211,000 appropriated by this item~~ for support of the conservancy during the 1986-87 fiscal year
- (b) ~~\$100,000 appropriated by this item for security on lands owned or managed by the conservancy during the 1986/87 fiscal year.~~
- (c) The unexpended balance of any capital outlay appropriations from the Santa Monica Mountains Conservancy Fund that remain effective in the 1986-87 fiscal year."

Item 3810-101-140—For local assistance, Santa Monica Mountains Conservancy. I eliminate this item and delete Provision 1.

I am eliminating the lump-sum legislative augmentation of \$1,000,000 for non-profit grants because it would commit a substantial amount from a funding source which is to be administered by the Resources Agency based on individual project review during the regular budget process.

As a conforming action, I am deleting Provision 1.

"1. No grants shall be encumbered in advance of approval of nonprofit organization grants by the Department of General Services and reporting of such grants to the Department of Finance pursuant to Section 33204.2 of the Public Resources Code."

Item 3810-301-784—For capital outlay, Santa Monica Mountains Conservancy. I eliminate this item by deleting appropriations for:

- (1) 20.10.015.861—Appraisals, project planning and design for Inner Valley Ranch acquisition, \$15,000,
 - (2) 20.10.210—Inner Valley Ranch—acquisition \$1,985,000, and
 - (3) 20.10.220—Runyon Canyon project—acquisition, \$2,000,000,
- and deleting Provision 1.

No bond act exists to fund these appropriations, and no bill to place such a bond measure before the voters has been endorsed by this Administration. Therefore, these augmentations, totaling \$4,000,000, are not appropriate and are premature. In the event a bond act comes to fruition, these projects should be submitted for review and evaluation through the annual budget process.

As a conforming action, I am deleting Provision 1.

"1. No funds appropriated in category (2) for the Inner Valley Ranch Project shall be expended unless and until the City of Glendale provides matching funds. Prior to the expenditure of funds appropriated in category (2) for the Inner Valley Ranch Project, the City of Glendale shall agree to provide full operation and maintenance of the property."

Item 3810-301-941—For capital outlay, Santa Monica Mountains Conservancy. I eliminate this item and delete Provision 1.

I am eliminating this item in the amount of \$232,000 for Hunter Ranch improvements because Chapter 1616, Statutes of 1982, which requires the Hunter Ranch improvements, stated that no appropriation was made in the legislation because the act was "in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act."

I am deleting Provision 1 as a conforming action.

"1. Funds appropriated in category (1) are for improvements to the Hunter Ranch project pursuant to Section 13, Chapter 1616, Statutes of 1982, and an interagency agreement between the Department of Parks and Recreation and the Santa Monica Mountains Conservancy. The Santa Monica Mountains Conservancy, acting through its executive director, shall be the lead agency in the development and approval of facilities at Hunter Ranch pursuant to Section 13, Chapter 1616, Statutes of 1982, and the executive director of the Conservancy shall certify environmental documents pursuant to the California Environmental Quality Act."

Item 3860-001-140—For support of Department of Water Resources. I reduce this item from \$450,000 to \$150,000.

I am eliminating the \$300,000 legislative augmentation to reflect the elimination of an augmentation for the Urban Creeks Restoration Program. I believe that the \$150,000 already contained in the budget for this purpose is sufficient to fund high priority projects, particularly in light of the other proposals competing for funding from the Environmental License Plate Fund.

Item 3860-101-890—For local assistance, Department of Water Resources. I eliminate this item.

I am eliminating the \$300,000 legislative augmentation for levee repair work in the Chico Landing to Red Bluff area because there is insufficient Federal Section 8(g) Outer Continental Shelf Revenues available to fund this project. The Federal Section 8(g) settlement provided California with \$338 million during Fiscal Year 1986-87, which is less than was expected and has now been fully committed. In addition, I believe that funding for the levee repair work should be pursued through the normal budgetary process, with the responsible entity applying for any available disaster relief funding through the Office of Emergency Services.

Item 3860-301-890—For capital outlay, Department of Water Resources. I delete Provisions 5, 6 and 7.

Provisions 5, 6 and 7 are not related to any projects appropriated in this item. Furthermore, the California Environmental Quality Act has established adequate safeguards to be met prior to construction of the type foreseen by these provisions. Therefore, I am deleting Provisions 5, 6 and 7.

- "5. Any assurance agreement signed by the Reclamation Board and the United States Army Corps of Engineers for snagging and clearing work on the San Joaquin River shall include a plan for financing all of the required mitigation, including the objective of new long-term enhancement, as provided in Chapter 1530 of the Statutes of 1984. This financing plan shall establish whether federal, state, and/or local funds and resources shall be used to pay for each cost associated with providing the required mitigation, as set forth above, the amount that each source will be responsible for providing, and a schedule establishing when these funds and resources are to be made available.

The assurance agreement shall also provide that the required mitigation work, where possible, shall proceed concurrently with the project implementation. The Director of the Department of Water Resources shall certify the adequacy of this financing plan. The certified financing plan shall be transmitted to the Legislature at least 30 days prior to any assurance agreement being signed.

The Department of Fish and Game shall monitor and report to the Legislature on the implementation and effectiveness of the mitigation plan.

6. (a) Any assurance agreement entered into between the Secretary of the Army and the Reclamation Board for the Chico Landing to Red Bluff project shall provide for full mitigation of the impacts of the project on riparian habitat, wildlife, and fisheries.
- (b) Prior to entering into the assurance agreement, the Reclamation Board shall enter into an agreement with the Department of Fish and Game that will provide for full mitigation of the impacts of the project on riparian habitat, wildlife, and fisheries. This agreement shall, at a minimum, provide for the approval of the Department of Fish and Game of the mitigation plan's design, implementation, and effectiveness.
- (c) The assurance agreement shall also provide for the implementation and funding of the measures specified in the agreement between the Department of Fish and Game and the Reclamation Board.
7. The Department of Water Resources shall provide, at the time of the release of the final environmental impact report for the Chico Landing to Red Bluff Project, a detailed plan for funding the suggested mitigation measures contained in the environmental impact report."

Item 3940-001-001—For support of the State Water Resources Control Board. I reduce this item from \$35,621,000 to \$35,571,000 by reducing

- (a) 10—Water Quality from \$63,305,000 to \$53,864,000,

(i) Amount payable from the Surface Impoundment Assessment Account, General Fund (Item 3940-001-482) from —\$3,457,000 to —\$1,929,000

and by eliminating:

(1) Amount payable from the General Fund (Item 3940-012-001) (—\$7,698,000),

(n) * Amount payable from the General Fund (Item 3940-014-001) (—\$2,708,000), and

(o) Amount payable from the California Environmental License Plate Fund (Item 3940-001-140) (—\$165,000),

and by deleting Provisions 1 and 4.

* Technical correction not included in total.

I am reducing this item by \$50,000 to reflect the following actions:

I am eliminating baseline funding of \$1,528,000 payable from the Surface Impoundment Assessment Account and 28.6 personnel years to reflect reduced workload in the Toxic Pits Program. The Board's baseline resources in the Toxic Pits Program were predicated on the receipt of more than 1,000 Hydrogeological Assessment Reports (HARs) from pits owners. To date, the Board has received less than 200 HARs and does not anticipate receiving many more until the proactive program for which we have added \$600,000 General Fund and 12 personnel years is implemented. I am reducing this subitem to correspond to Item 3940-001-482.

I am eliminating \$7,698,000 payable from the General Fund (Item 3940-012-001) and 158 personnel years for a State-only oversight program of the cleanup of leaking underground tanks. I submitted a proposal to the Legislature to appropriate funding from a 1986 Toxics Bond Measure which my Administration has proposed on the November 1986 ballot. This bond measure would provide \$200 million for various programs recommended by my task force which recently completed its report on toxics and waste management in the State. Of these funds, \$45 million were intended to provide a base of \$15 million per year for three years to fund local agency oversight of these leaking tanks. Local agencies are currently permitting, monitoring and enforcing various permit conditions concerning these tanks. I am committed to this program and my proposal, to be amended into pending legislation SB 712, will provide local governments the money needed for implementation. I am reducing this subitem to correspond to Item 3940-012-001.

I am eliminating the legislative augmentation of \$50,000 from the General Fund to study the disposal and management of mine tailings in the State. Two other State agencies, the Department of Conservation and the Department of Health Services, are also impacted by any study concerning mine tailing disposal. I am instructing these two agencies and the Board, who among them have millions of dollars in their baseline budgets for studies and contracts, to conduct this study within their baseline funding. I am also deleting Provision 4 to conform to this action.

"4 Of the funds provided in this item, \$50,000 shall be for a study of the management, disposal regulation, and cleanup of mine tailings in California. The State Water Resources Control Board shall not encumber any of this \$50,000 until the mining industry provides 100 percent matching funds for this study."

I am eliminating schedule (n) payable from the General Fund (Item 3940-014-001) (—\$2,708,000). This is a technical correction to an error in this bill as submitted.

I am eliminating the legislative augmentation of \$165,000 payable from the Environmental License Plate Fund for a study of toxic pollution in San Diego Bay. The Board has \$11.7 million in its baseline budget for studies and contracts. If this proposed study is necessary to resolve a priority water quality problem, the Board can use its baseline funding to support such a study. I am reducing this subitem to correspond to Item 3940-001-140.

Provision 1 would have the Board updating all waste discharge orders on a 3 and 5 year schedule as opposed to its current 3, 5, and 10 year schedule. No resources were provided for this accelerated program. In addition, according to the Board, there is questionable benefit to water quality resulting from redirecting resources to this accelerated program. Therefore, I am deleting Provision 1 to conform to this action.

"1. The State Water Resources Control Board shall revise its schedule for updating waste discharge requirements so that these requirements for (1) discharges that pose an immediate or major threat to public water supplies,

water contact recreation or fish and aquatic habitats will be updated once every three years and (2) discharges that pose an immediate and major threat to industrial and/or agricultural water supplies and discharges that pose a significant threat to beneficial uses of water will be updated once every five years."

Item 3940-001-140—For support of the State Water Resources Control Board. I eliminate this item and delete Provision 1.

I am eliminating this item to conform to my action regarding a study of toxic pollution in San Diego Bay on Item 3940-001-001. This eliminates the amount payable from this item to Item 3940-001-001.

I am deleting Provision 1 to conform to this action.

"1. Funds appropriated by this item shall be used for a study of toxic pollution in San Diego Bay. Funds appropriated by this item shall not be encumbered or expended sooner than 30 days after the board submits an expenditure plan, in writing, to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Committee, or his or her designee, may determine."

Item 3940-001-482—For support of the State Water Resources Control Board. I reduce this item from \$3,457,000 to \$1,929,000.

I am reducing this item by \$1,528,000 and 28.6 personnel years to conform to my action regarding the toxic pits program on Item 3940-001-001. This reduces the amount payable from this item to Item 3940-001-001.

Item 3940-012-001—For support of State Water Resources Control Board. I eliminate this item and delete Provision 1.

I am eliminating this item in the amount of \$7,698,000 to conform to my action regarding underground tank cleanup oversight on Item 3940-001-001. This eliminates the amount payable from this item to Item 3940-001-001.

I am also deleting Provision 1 to conform to this action.

"1. The State Water Resources Control Board may use any portion of the amount appropriated by this item for contracts with local agencies for cleanup oversight or related enforcement activities. The state board shall adopt guidelines and procedures which accomplish all of the following: (1) specifying requirements for the contents of contract proposals to insure that there is statewide consistency in program implementation, including investigation and enforcement activities and cleanup standards; (2) assuring that the cost of contracting does not exceed the cost of direct state program implementation; and (3) assuring that the costs incurred by the state board and local agencies are recovered from the responsible parties to the maximum extent possible."

Item 4120-101-001—For local assistance, Emergency Medical Services Authority. I reduce this item from \$954,000 to \$863,000 and revise Provision 1.

I am reducing this item by \$91,000 to eliminate a legislative augmentation of \$50,000 to support the Inland Emergency Medical Services (EMS) Agency and to reduce \$41,000 from a legislative augmentation to support the Northern California EMS Agency. With this action, I am approving a legislative augmentation in the amount of \$109,000 which will provide additional local assistance funds for each of the North Coast, Northern California, and Sierra-Sacramento EMS Agencies. My action will provide a total of \$2.5 million in local assistance funding (\$863,000 in General Funds and \$1,685,000 in Federal Funds) to support local EMS agencies.

I am also revising Provision 1 to conform to this action.

"1. Of the amount appropriated by this item, up to \$50,000 in additional funds shall be allocated to each of the ~~Inland~~, North Coast, Northern California, and Sierra-Sacramento Emergency Medical Services Agencies, in accordance with guidelines for state-funded grants to local agencies established by the Emergency Medical Services Authority. The remaining portion of the ~~\$200,000~~ \$109,000 which is not allocated to these agencies shall revert to the General Fund."

Item 4140-001-001—For support of Office of Statewide Health Planning and

Development. I change this item by reducing.

(b) 300000—Operating Expenses and Equipment from \$11,979,000 to \$11,978,000,

(d) Amount payable from the Hospital Building Account, Architecture Public Building Fund (Item 4140-001-121) from —\$14,226,000 to —\$14,225,000 and deleting Provisions 7 and 8.

I am eliminating \$1,000 payable from the Hospital Building Account (Item 4140-001-121) which would be required to officially notify the Legislature on various aspects of the Seismic Safety Program. I am also deleting Provision 7 to conform to this action.

"7. The Office of Statewide Planning and Development shall continuously monitor the number of days it utilizes to process plan reviews in the seismic safety program. If the average time for the completion of a project plan review exceeds eight weeks during any 30-consecutive-day period, the office shall submit to the Department of Finance, within 15 days, a request to spend at a rate that would result in a deficiency pursuant to Section 27.00 of this act or a plan to reduce the average plan review time to eight weeks within one month. If, after one month from the date of submission of a plan the average review time is not at or below eight weeks, the office shall submit, within 15 days, a deficiency request. In addition, the office shall gather for use in the 1987-88 fiscal year budget such worker productivity data as is necessary to quantify, update, and revise the staffing standards for the professional positions of the seismic safety program."

This provision would have required the Office to submit a deficiency appropriation if the average time for completion of project plan review exceeds eight weeks during any 30 consecutive-day period and to gather data to validate assumptions of worker productivity for use in its 1986-87 budget request. Section 27 of the Budget Act provides for notification of a deficiency. Therefore, I see no need for this language.

While I am also deleting the language pertaining to gathering data to validate the workload, I am directing the Office to comply with the intent of the language. The staffing study and subsequent analysis indicate that there are currently no staffing standards on which to evaluate an appropriate level for this program. Given the intense interest in this program from both the industry and the Legislature, I believe that it would be prudent to validate the staffing standards.

I am deleting Provision 8, added by the Legislature, that would prohibit expenditure of funds for the director's salary

"8. Except as provided in this provision, no funds appropriated by this act or available from any other source shall be expended for the payment of the salary of the Director of the Office of Statewide Health Planning and Development after October 1, 1986, nor shall the person holding that position on April 1, 1986, be entitled to any compensation from any source appropriated by this act for the support of the Office of Statewide Health Planning and Development or for any program administered by the office after October 1, 1986

The Director of Finance may authorize the payment of the salary of the Director of the Office of Statewide Health Planning and Development for the period October 1, 1986, through June 30, 1987, not sooner than 15 days after notification in writing to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee. As part of the notification, the office shall clearly indicate the significant remedial actions that have been taken to improve and will continue to improve the administration and operation of the office. Specifically, the office shall demonstrate that:

(a) The office has made significant efforts to fill the 33 additional positions authorized by this act for seismic safety review activity. This shall be demonstrated by a report showing the number of positions filled as of August 31, 1986, the number vacant, and a proposal for the timely filling of remaining vacancies;

(b) The office has instituted procedures to continuously monitor the number

of days it utilizes to process plan reviews in the seismic safety program using workload standards contained in the report entitled "Evaluation of Workload and Staffing for the Seismic Safety Program;" and

- (c) The office has developed a plan by September 1, 1986, assuring that there will be sufficient staff and resources to produce statutorily required publications.

The office shall continuously monitor the number of days it utilizes to process plan reviews in the seismic safety program and shall report monthly to the Legislature, within 60 days of the end of the month, regarding accomplishments of the program relative to the workload standards cited above."

This provision would have prohibited the expenditure of funds for the Director's salary past October 1, 1986 unless the Director of Finance certified that the office complied with certain requirements. Government Code Section 11552 provides for the annual salary of department directors. This language makes a substantive change to that Section. As such, I believe that separate legislation would be a more appropriate mechanism to make a policy change of this type.

Item 4140-001-121—For support of Office of Statewide Health Planning and Development. I reduce this item from \$14,226,000 to \$14,225,000.

I am reducing this item by \$1,000 to conform to my action on Item 4140-001-001.

Item 4140-101-001—For local assistance, Office of Statewide Health Planning and Development for Health Professions Development (Family Physician Training) I reduce this item from \$3,380,000 to \$2,880,000, and delete Provision 2

I am eliminating the \$500,000 legislative augmentation to provide funds to increase the number of family physicians trained to meet the health care needs of the aged.

The proponents of this augmentation suggest that by increasing the number of family physicians that there should be primary care savings. If this is true, the expenditure of this additional sum of money, absent any action to correct the factors the proponents believe to be the cause of the problem, will be ineffectual. I believe that the proponents of this program could achieve their goal through mechanisms that permit the marketplace to allocate resources and contain costs. I am deleting Provision 2 to conform with this action.

- "2. Of the funds appropriated in this item, the office shall allocate \$272,000 for competitive awards to increase the number of family physicians trained to meet the expanding health care needs of the aged. These funds shall be allocated by the Health Manpower Policy Commission which shall, in allocating the funds, focus on geriatric family medicine, geriatric cross-cultural medicine, predoctoral geriatric education, and family medicine education. Of the funds appropriated in this item, the office shall also allocate \$114,000 for two new three-year residency positions in rural hospitals and \$114,000 for two new three-year residency positions in inner city hospitals. In allocating the funds, the office shall give special attention to the need for training in geriatric family medicine."

Item 4170-001-001—For support of Department of Aging. I reduce this item from \$4,886,000 to \$4,868,000 by reducing:

- (d) 40—Special Projects from \$4,254,000 to \$4,217,000,
- (g) Reimbursements from -\$1,300,000 to -\$1,281,000.

I am eliminating the \$37,000 (\$18,000 General Fund and \$19,000 Reimbursements) legislative augmentation and one position for the Multipurpose Senior Services Program (MSSP) because I believe this legislative augmentation would result in an overstaffing in the program. The personnel years in this program have increased by 98 percent since 1983-84.

Item 4170-101-001—For local assistance, Department of Aging. I reduce this item from \$31,061,000 to \$29,704,000 by reducing:

- (c) 30—Supportive Services and Centers (for match) from \$26,318,000 to \$26,061,000,
 - (d) 40—Special Projects from \$26,049,000 to \$24,949,000,
- and by deleting Provisions 4 and 5.

I am eliminating the \$257,000 legislative augmentation from Supportive Services and Centers which was provided to backfill the Gramm-Rudman-Hollings (GRH) federal reduction because I believe that local resources could be used to offset this reduction. In addition, there is some flexibility within the Older Americans Act to enable redirection of excess funds from other programs to Supportive Services and Centers. This is consistent with my policy not to backfill Federal reductions in most programs with General Fund. However, I am making an exception to backfill \$396,000 in this item in lost GRH federal funds for the Nutrition Program in order to maintain the current level of meals provided to the elderly.

I am also reducing \$1,100,000 from Special Projects as follows:

I am reducing \$50,000 of the \$100,000 legislative augmentation for the Senior Companion and \$50,000 of the \$100,000 augmentation for the Foster Grandparent Volunteer programs. The remaining \$50,000 for each program represents an increase of 18.5 percent

I am eliminating the \$1,000,000 augmentation for the Adult Day Health Care (ADHC) Program, which would provide six ADHC pilot projects for victims of HTLV III (AIDS), because the budget contains \$1.5 million for Community Support Block Grants which provides for pilot projects in such areas as: Home Health Care, Attendant Care, and Hospice Care. The budget also provides \$1.0 million for Skilled Nursing Facility pilot projects for victims of AIDS and ARC (AIDS Related Condition). These pilot projects are intended to ascertain the need and use of health care outside of the hospital setting for AIDS victims. Therefore, any further augmentation is premature until these pilot projects are evaluated. I am deleting Provision 4 to conform with this action:

"4. The department shall allocate \$1,000,000 to establish six pilot projects for adult day health care for people with HTLV-III infection in San Francisco, Los Angeles, Orange, Alameda, San Diego, and Santa Clara Counties."

In addition, I am deleting Provision 5 which would authorize an augmentation in the Multipurpose Senior Services Program. This language is not necessary since the program is fully funded in 1986-87.

"5 The Director of Finance is hereby authorized to augment the General Fund appropriation by the amount necessary to match any additional federal funds which become available to the state's MSSP program as a result of an expanded Title XIX waiver. The director shall notify the Legislature of any such augmentation through the process outlined in Section 28.00."

Item 4200-001-001—For support of Department of Alcohol and Drug Programs. I change this item by reducing.

(a) 10—Alcohol Program from \$5,704,000 to \$5,549,000,

(f) Payable from the Federal Trust Fund (Item 4200-001-890) from —\$3,014,000 to —\$2,859,000.

I am eliminating a legislative augmentation of \$155,000 payable from the Federal Trust Fund (Item 4200-001-890) which restored 2 positions (19 PY) to monitor SSI/SSP activities for the Alcohol Program.

This activity provides no direct State benefit, is not legislatively mandated, and can be contracted out by the Federal government with no State fiscal or program impact.

The discontinuation of the State's involvement in the SSI referral and monitoring process for the Alcohol Program will reflect a level of involvement consistent with the Drug Program. I am also taking conforming action in Item 4200-001-890. This reduction is consistent with my action in Items 4200-101-001 and 4200-101-890 where I eliminated a legislative augmentation of \$872,000 in Federal funds

Item 4200-001-890—For support of Alcohol and Drug Programs. I reduce this item from \$3,014,000 to \$2,859,000

I am eliminating a legislative augmentation of \$155,000 for this item to conform to the action taken in Item 4200-001-001 to eliminate funding for the SSI/SSP monitoring positions. This action reduces the amount payable from this item to Item 4200-001-001.

This reduction is consistent with my action in Items 4200-101-001 and 4200-101-890 where I eliminated a legislative augmentation of \$872,000 in Federal funds.

Item 4200-101-001—For local assistance, Department of Alcohol and Drug Programs. I reduce this item from \$74,873,000 to \$71,795,000 by reducing:

- (a) 10—Alcohol Program from \$49,304,000 to \$48,432,000,
 - (b) 20—Drug Program from \$62,138,000 to \$59,060,000,
 - (d) Amount payable from the Federal Trust Fund (Item 4200-101-890) from —\$31,689,000 to —\$30,817,000,
- and by deleting Provisions 4, 5, and 6.

I am reducing this item by \$3,078,000 to reflect the following actions:

The elimination of the \$62,000 augmentation by the Legislature for a drug prevention video. The Budget proposes \$64.6 million for Drug Program Services. The funds are available on a block grant basis for counties to fund their selected priority service needs. In addition, \$300,000 in one-time Audit Repayment Trust Funds will be available in FY 1986–87 through a Request for Proposal (RFP) process to fund special projects including media outreach efforts. This special request should be evaluated and funded based on county priorities and within the existing block grant allocation or through the proposed RFP process. I am also deleting Provision 5 in this item as a conforming action.

- “5. Of the amount provided for in schedule (b), \$62,000 shall be available for a drug prevention video to be produced by the Department of Alcohol and Drug Programs in coordination with the Department of Education. Receipt of these funds is contingent upon a corresponding local match of \$62,000.”

I am eliminating \$3 million that the Legislature added in local assistance funds for AIDS services for drug abusers. These service needs should be prioritized by the counties and paid for from within their existing block grant allocation for local alcohol and drug program services.

As a conforming action, I am deleting Provision 6 which requires that 50 percent of the funds be given to Los Angeles, 30 percent to San Francisco, 10 percent to Alameda, 4 percent to Santa Clara, 4 percent to San Mateo, and 2 percent to Contra Costa.

- “6. Of the amount appropriated in this item for AIDS prevention, intervention, and treatment programs, funds shall be disbursed to counties according to a formula based on the number of reported AIDS cases and the number of substance abuse treatment slots as follows: Los Angeles—50 percent, San Francisco County—30 percent, Alameda County—10 percent, Santa Clara County—4 percent, San Mateo County—4 percent, and Contra Costa County—2 percent.”

I am also eliminating the \$16,000 legislative augmentation provided for Santa Clara County to address its PCP problem. This augmentation would create an inequity by providing one county a funding advantage and would circumvent the established block grant formula allocation process. This special request should be evaluated and funded based on county priorities and within the existing block grant allocation. I am also deleting Provision 4 as a conforming action.

- “4. Of the amount provided for in schedule (b) \$16,000 shall be available for Santa Clara County to address its PCP problem. Receipt of these funds is contingent upon a corresponding county match of \$16,000.”

Further, I am eliminating a legislative augmentation of \$872,000 provided to restore county subvention funds which are passed through the Department of Alcohol and Drug Programs to local agencies for the Alcohol Program.

This activity provides no direct State benefit, is not legislatively mandated, and can be contracted out by the Federal government with no State fiscal or program impact.

The discontinuation of the State's involvement in the SSI referral and monitoring process for the Alcohol Program will reflect a level of involvement consistent with the Drug Program. I am also taking conforming action in Item 4200-101-890.

This reduction is consistent with my action in Items 4200-001-001 and 4200-001-890 where I eliminated a legislative augmentation of 2 positions and \$155,000 for SSI/SSP monitoring activities.

Item 4200-101-890—For support of Department of Alcohol and Drug Programs. I reduce this item from \$31,689,000 to \$30,817,000.

I am eliminating the \$872,000 legislative augmentation for this item to conform to the action taken in Item 4200-101-001 to eliminate federal funds which are passed through the Department of Alcohol and Drug Programs to county local agencies. This action reduces the amount payable from this item to Item 4200-101-001.

This reduction is consistent with my action in Items 4200-001-001 and 4200-001-890 where I eliminated a legislative augmentation of 2 positions and \$155,000 for SSI/SSP monitoring activities.

Item 4260-001-001—For support of Department of Health Services. I reduce this item from \$129,903,780 to \$126,434,780 by reducing:

- (a) *100000—Personal Services from \$174,598,464 to \$172,723,464,
 - (b) 300000—Operating Expenses and Equipment from \$132,581,036 to \$129,206,036,
 - (c) Amount Payable from the Hazardous Waste Control Account, General Fund (Item 4260-001-014) from —\$27,979,200 to —\$27,283,200,
 - (d) Amount payable from the Hazardous Substance Clean Up Fund (Item 4260-001-710) from —\$5,989,000 to —\$5,988,000,
 - (e) Amount payable from the Federal Trust Fund (Item 4260-001-890) from —\$95,135,850 to —\$94,664,850,
 - (f) Amount payable from the California Environmental License Plate Fund (Item 4260-001-140) from —\$150,000 to \$0,
 - (g) Health Facilities Financing Assistance Fund (Item 4260-001-810) from —\$388,000 to \$0,
- and delete Provisions 5, 8, 9, 11, 14, 15, 16, 20, 22, 23, 25, 26, 27, 28, 29, 33, 35, 36, 38, 39, and 40 and revise Provision 31

* Includes technical correction of \$75,000 with no change to the appropriations.

I am reducing the personal services category by \$75,000 to compensate for a technical error in the Budget Act. This reduction will ensure that the schedules balance with the appropriations.

I am eliminating the \$31,000 legislative augmentation from this item and \$22,000 from subsidiary items and 7.3 personnel years which restores positions associated with contracting out for security guard services.

I have taken the opportunity to review the Legislature's action on my contracting-out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public. Although many of my proposals were adopted by the Legislature, the contracting-out proposal, which would have allowed the Department of Health Services to realize cost savings related to security services, was not accepted. In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract-out. I am, therefore, eliminating the \$53,000 legislative augmentation and 7.3 personnel years added by the Legislature and will use the related funds to contract these services.

I am reducing a legislative augmentation of \$154,000 and 2.9 personnel years in this item which was added to perform state inspections of animal research laboratories. This augmentation provides contingent funding for the program proposed in SB 1405. I question the need for this State oversight and I believe the funding for this program should be contained in the bill.

I am eliminating the \$19,000 in this item and the \$75,000 payable from the Federal Trust Fund (Item 4260-001-890) added by the Legislature. My budget proposed that the department contract for specialized services for a portion of the medical review function and reduce State staff to reflect this shift of workload. The Legislature restored the 2 positions and augmented for contracted services. I do not believe these additional resources are necessary and I am eliminating the legislative action and returning the budget to the level which I proposed in January.

I am eliminating a legislative augmentation of \$89,000 and 1.8 personnel years in this item which restores funding for two occupational therapy consultants for the California Children's Services program. This program has existed for nearly 40 years. State involvement in administering the program at the local level has declined as the counties have acquired their own expertise. The department identified these positions as non-critical staff. The positions remained vacant for a long period of time

without a significant program impact. The department's oversight responsibilities will not be jeopardized.

I am eliminating a legislative augmentation of \$23,000 and 0.9 personnel years which reinstates funding and a position associated with the Department of Health Services' anticipated savings due to the increased utilization of the Family Planning automated claims processing system. The department is in the process of converting an existing automated program for claims processing and anticipates the availability of the system early in the fiscal year. The need for human resources for this process is reduced due to the speed and efficiency of automation.

I am reducing this item by \$33,000 and 24 personnel years, as well as \$67,000 in Item 4260-001-890, added by the Legislature to restore the Child Health Information and Claiming Unit to provide manual claims processing services for the Child Health and Disability Prevention Program. Contracting for these services will allow the department to reduce costs by \$100,000 and will reduce the time required to process claims. I recently signed AB 1793, Chapter 129, Statutes of 1986, which specifically permitted the department to contract for these services in FY 1985-86. Since the department has already executed a contract for these services, it is reasonable to continue this cost effective approach in the future.

I am eliminating the \$100,000 legislative augmentation (\$33,000 General Fund and \$67,000 Federal Fund) and 2.3 personnel years added to reflect a modification to the change in the licensing cycle for long-term care facilities which I proposed in my January budget. This procedure change will ensure that all facilities will continue to be inspected annually. Those which have not historically maintained compliance with Administrative Code regulations will receive a more in-depth survey as compared to those who have maintained compliance. The procedure, as reflected in the Budget, will increase the amount of time department staff spend in problem facilities, while streamlining departmental administration of the program. The corresponding Federal Fund reduction is reflected in Item 4260-001-890.

I am reducing \$692,000 payable from the Hazardous Waste Control Account by eliminating funds proposed for a contract with the Office of Criminal Justice Planning (OCJP) for a local toxics strike force training program. While training is important, it should be part of an organized, coordinated effort and not a piecemeal approach. This action conforms to my action on Item 4260-001-014.

I am eliminating a legislative augmentation of 10 positions (9.1 personnel years) and \$388,000 in a subsidiary item from the County Health Facilities Financing Assistance Fund to support an annual audit of County Health (AB 8) and Medically Indigent Services Program funds. In light of the fact that most counties are currently providing more county funds than are necessary to match the State subventions, auditing these funds would be an unnecessary proliferation of the bureaucracy.

In addition, I am also deleting Provisions 8 and 39, added by the Legislature which would require the department to act to collect on County Health Services Fund (AB 8) audits that were performed in 1982-83 and 1983-84.

"8 The Department of Health Services shall take action to collect (1) all outstanding Audits and Investigations Division AB 8 audit amounts currently under appeal and (2) funds due to the state from AB 8 audits initiated in 1983-84.

"39. Notwithstanding any other provision of law, the County Health Facilities Financing Authority may transfer and the Department of Health Services may utilize funds from the County Health Facilities Assistance Fund to fund an ongoing AB 8 and Medically Indigent Services audit program."

The audits were completed on only 21 counties. To collect from these counties would be disparate treatment.

I am reducing \$150,000 payable from the Environmental License Plate Fund (Item 4260-001-140) to reflect the elimination of a legislatively mandated study. Chapter 1440, Statutes of 1985, appropriated \$1.3 million to support a one-time study of marine pollution and related health risks associated with the consumption of contaminated fish. Most of this money will be used for a study in Santa Monica Bay and Long Beach Harbor to provide an appropriate mechanism for the development of an essential study design protocol for any future marine pollution studies deemed critical. Until such times as the Santa Monica and Long Beach studies are completed

and design protocols are developed, this augmentation, regardless of funding source, is premature and an imprudent use of limited resources.

I am also deleting Provision 15 to conform with this action.

"15. Of the funds appropriated in this item \$150,000 shall be used for the assessment of marine pollution health risks and shall be available for encumbrance only if AB 3501 of the 1985-86 Regular Session is chaptered and authorizes this program."

I am deleting Provision 9 which would inhibit the authority of the Director of Health Services to create formal and informal advisory groups to provide guidance on critical issues.

"9. No funds appropriated by this item shall be available for expenditure for the Family Planning Advisory Board."

Provision 9 would prohibit the Department of Health Services from reimbursing members of the Family Planning Advisory Board for expenses incurred while conducting State business. I believe such a prohibition is inconsistent with the separation of powers principle of the Constitution.

I am eliminating a legislative augmentation of \$300,000 in this item which was provided to fund contracts for services to regulate biotechnology. The department currently supports activities such as this through the Division of Laboratories. To contract with private industry to perform quality control functions relating to private industry creates unnecessary bureaucracy. I am also deleting Provision 11 to conform with this action.

"11. The Department of Health Services shall contract the following services:

- (a) Providing consulting to industries requiring information regarding the biological safety of manufacturing and research facilities;
- (b) Assessing risks for the manufacture of drugs, medical devices, process foods, and other biologically engineered materials for which the department has regulatory responsibility."

I am eliminating the \$500,000 legislative augmentation to implement an AIDS education program for students at California universities and colleges. The 1986-87 Budget provides \$4.8 million for information and education grants associated with the AIDS epidemic. This amount reflects an increase of \$1.1 million over the 1985-86 funding level. Therefore, any additional funding needed for any specific target group (i.e., minorities, I.V. drug users, other high-risk groups and non high-risk groups) could be obtained from these increased funds, if it is deemed critical. Specifying expenditures for this particular target group would limit the department's flexibility to ensure that the funds are utilized for the most critical purposes and in the most effective manner. I am also deleting Provision 16 to conform with this action.

"16. Of the funds appropriated in this item, \$500,000 shall be used by the Department of Health Services to implement an AIDS education program for students at California universities and colleges. This educational program shall follow guidelines established by state funded educational models developed in 1985-86 by the University of California."

I am reducing \$1,000 and deleting Provision 20 because I believe the development and implementation of education and testing guidelines are unnecessary. The Centers for Disease Control and the California Health Officers Association have recently released guidelines concerning the contraction of AIDS by pregnant women. These guidelines will be utilized by the local agencies administering the various AIDS programs. It is appropriate for the Federal government to implement such guidelines to achieve uniformity nationwide. Although there is no specific appropriation associated with this provision, there will be administrative costs incurred to comply with this requirement. Therefore, I am vetoing \$1,000.

"20. The Department of Health Services shall develop and implement education and testing guidelines for pregnant women at risk of contracting AIDS."

I am eliminating the \$1,200,000 legislative augmentation for AIDS information and education activities. The 1986-87 Budget provides \$4,833,000 for information and education grants and \$2,251,000 for information, education and surveillance program support activities. Until such time as the existing programs funded through the information and education contracts can be evaluated, further augmentation is pre-

mature.

I am also deleting Provision 22 to conform to this action.

"22. Of the funds appropriated by this item, \$5,907,500 shall be spent on general AIDS information and education activities."

I am eliminating the \$250,000 legislative augmentation to assess the impact and effectiveness of AIDS information and education materials. The 1986-87 Budget reflects an augmentation of \$998,000 and 12.7 personnel years which are proposed for the monitoring and evaluation of the AIDS information and education activities. Therefore, this augmentation is duplicative and unnecessary.

I am also deleting Provision 23 to conform to this action.

"23. The Department of Health Services shall allocate (1) \$125,000 to assess what impact AIDS information and education materials are having on target groups, and (2) \$125,000 to ascertain the specific types of messages which are effective for specific target groups."

I am reducing \$1,000 and deleting Provision 26 because quarterly reporting on the status of AIDS-related activities is unnecessary and would require the department to divert limited staff resources and funding from more critical AIDS-related efforts to this effort.

"26. The Department of Health Services is required to report quarterly on the status of AIDS-related activities to the Governor, the Legislature, and the public."

I am eliminating the \$250,000 legislative augmentation for the development of an AIDS comprehensive plan by the SB 910 AIDS Advisory Committee established pursuant to SB 910, Chapter 1257, Statutes of 1983. The Department of Health Services has already developed a comprehensive plan and will update and revise that plan as circumstances change. It is unnecessary to also provide \$250,000 for an advisory committee to accomplish the same task.

I am also deleting Provision 27 to conform to this action.

"27. The Department of Health Services shall allocate \$250,000 to the AIDS Advisory Committee, established pursuant to SB 910 (Ch. 1160, Stats. of 1986), for the development of a Comprehensive AIDS plan. The committee shall submit the plan to the Legislature and the Governor by December 15, 1986. To ascertain local needs, the committee will hold a conference of service providers and conduct regional hearings."

I am eliminating the \$250,000 legislative augmentation for allocation to the Hemophilia Council of California. The Department of Health Services is contracting with both the Hemophilia Council of California and the Orthopedic Hospital to provide services for hemophiliacs. The 1985-86 Budget provided \$233,000 for these contracts and both will be continued in 1986-87. Therefore, this augmentation is duplicative and unnecessary.

I am also deleting Provision 28 to conform to this action.

"28. The Department of Health Services shall allocate \$250,000 to the Hemophilia Council of California for counseling and psychosocial care for hemophiliacs with HTLV-III infection and for their families."

I am eliminating the \$50,000 legislative augmentation for AIDS-related training of dental personnel. The 1986-87 Budget provides \$4.8 million for information and education contracts. This amount reflects a \$1.1 million increase over the 1985-86 funding level. The department has the flexibility to fund projects of this nature from the \$4.8 million appropriation, if it is deemed to be necessary. Specifying the manner in which these funds are expended or the specific target groups to receive these funds would impede the department's efforts to ensure that funds are allocated for the most critical purposes and in the most effective manner.

I am also deleting Provision 29 to conform to this action.

"29. The Department of Health Services shall work with the State Board of Dental Examiners and the California Dental Association to provide education to dental personnel regarding AIDS."

I am reducing by \$200,000 the \$700,000 legislative augmentation for Alzheimer's Disease research. The combined budgets for the Departments of Health Services, Mental Health and Aging provide \$2,550,000 in the current year and \$2,750,000 in 1986-87 for various Alzheimer's programs and services. Included in the \$2.75 million

is \$250,000 specifically for Alzheimer's research. This augmentation will triple the amount available for Alzheimer's Disease research and will provide a sufficient base to allow the department to leverage funds from other sources.

I am also revising Provision 31 to conform to this action.

"31 The Department of Health Services shall allocate ~~\$950,000~~ ~~\$750,000~~ for the Alzheimer's Disease research program."

I am eliminating the \$32,000 legislative augmentation to this item and the \$246,000 payable from the Federal Trust Fund (Item 4260-001-890) to add 11 positions (10 personnel years) to support statewide expansion of the gatekeeper program. Statewide expansion of the gatekeeper program is also being proposed in AB 2684 which has been passed by both the Assembly and the Senate. I believe that legislation is the more appropriate means of effecting this significant change of law. In addition, AB 2684 would not require any additional funding or unnecessary bureaucracy.

I am also deleting Provision 35 to conform with this action.

"35. The Department of Health Services, during the processing of an initial and/or a renewal Treatment Authorization Request (TAR) for a Medi-Cal eligible recipient for admission to a nursing home or continued stay in a nursing home, shall screen the recipient to determine if the authorized nursing home level of care can be provided through community-based social and health services and shall refer the recipient to such community-based services if the screening indicates its appropriateness."

I am deleting Provision 36 because this language is unnecessary. The Los Angeles county registry is critical to our efforts to implement a statewide registry in accordance with AB 136 (Chapter 841, Statutes of 1985). As such, the Department would maintain the Los Angeles County registry regardless of the adoption of this language. The language as currently drafted could be interpreted to require the State to support the Los Angeles County registry as it currently operates, which is substantially more costly than the system being implemented by the State. I am deleting this language to avoid the possibility of mandating that these additional costs be borne by the State.

"36. It is the intent of the Legislature to insure that the Los Angeles County Tumor Registry program be maintained."

I am reducing \$1,000 and deleting Provision 38 because this Provision would prevent the department from contracting out for this function. Contracting was proposed because it is more efficient and a cost-effective means of improving the administration of this particular function.

"38. As long as the responsibility remains with the department, it shall retain state employees to perform activities related to the certification of nurse assistants and home health aids and assistant training programs."

I am reducing \$1,000 because I anticipate a savings as a result of contracting this function.

I am reducing \$1,000 and deleting Provision 40 because this Provision precludes the Administration from exercising its authority to implement contracting-out proposals that meet the test of cost-effectiveness and efficiency. I am also reducing the budget by \$1,000 because I believe that contracting these services will save the department at least \$1,000.

"40. The security and janitorial services at the Berkeley Laboratories supported by funds in this item shall be provided solely by state staff and not through contract. Upon the expiration of existing contracts for security services at the Berkeley Laboratories, the department shall not renew the contracts, but shall instead engage state employees to provide these services."

I am deleting \$1,000 and Provisions 5, 14, 25 and 33 as well as Provision 20 in Item 4260-101-001 to eliminate unnecessary administrative costs.

"5. The Department of Health Services shall perform an analysis of Medi-Cal billing tapes to discern the level of reimbursement presently being provided for AIDS-related outpatient care and submit it to the Legislature by December 1, 1986."

"14. The Department of Health Services shall notify the chairperson of the fiscal committee of both houses of the Legislature and the Chairperson of the Joint Legislative Budget Committee 30 days prior to spending any consultant and

professional service funds budgeted in support of the low-level radioactive waste site monitoring program.

The notification shall identify (a) the types of services to be purchased, (b) the amount of funds to be expended for each type of service, and shall provide (c) an explanation of why such services are needed for the efficient implementation of the department's responsibilities."

- "25. The director of the Department of Health Services, designated by the Governor as the lead on AIDS issues, shall require the following departments to report to the Legislature by November 1, 1986, on the resources they require to provide services related to AIDS for 1987-88: Health Services, Social Services, Corrections, Alcohol and Drug Programs, Mental Health, Education, California Youth Authority, University of California, California State University, California Community Colleges, and Fair Employment and Housing."
- "33. Whenever the Department of Health Services conducts epidemiological studies of hazardous waste sites, the department shall determine:
- (a) Whether the exposure of human or animal populations to any hazardous substance may be detectable in tissue or fluid samples from the subject population;
 - (b) Whether biological monitoring of such substances would be scientifically justifiable for the site under discussion.

Should the department make the above determinations, the study shall include laboratory analyses of such samples from a statistically significant portion of such population and a control group."

Although no augmentations are associated with these provisions, there will be administrative costs incurred to comply with the requirements. The 30-day notification will require preparation by the Department of Health Services as well as review by the Agency Secretary and the Department of Finance. The requirement for reporting departmental needs for AIDS for the 1987-88 fiscal year will impose additional expenses on the department to assimilate the reports and ensure that the appropriate materials are submitted. The requirement to make specific findings when conducting epidemiological studies will require the establishment of procedures and possible adoption of regulations. These requirements are unnecessary and potentially costly. Therefore, I am vetoing \$1,000 and the four provisions. I am also deleting Provision 20 in Item 4260-101-001 which would impose additional auditing requirements on the Department of Health Services.

Item 4260-001-014—For support of the Department of Health Services. I reduce this item from \$27,979,200 to \$27,283,200.

I am reducing this item by \$696,000 to conform to my action regarding contract training funds and contracting for security guard services in Item 4260-001-001. This reduces the amount payable from this item to Item 4260-001-001.

Item 4260-001-140—For support of Department of Health Services. I eliminate this item.

I am eliminating the \$150,000 legislative augmentation for a study of the health risks associated with the consumption of contaminated fish to conform with my action in Item 4260-001-001. This eliminates the amount payable from this item to Item 4260-001-001.

Item 4260-001-710—For support of Department of Health Services. I reduce this item from \$5,989,000 to \$5,988,000.

I am reducing this Item by \$1,000 to conform with my action in Item 4260-001-001 regarding contracting for security guard services. This reduces the amount payable from this item to Item 4260-001-001.

Item 4260-001-810—For support of Department of Health Services. I eliminate this item.

I am eliminating this item which was added by the Legislature to fund an annual audit of County Health (AB 8) and Medically Indigent Services program funds. This action conforms to the action I have taken in Item 4260-001-001. This eliminates the amount payable from this item to Item 4260-001-001.

Item 4260-001-890—For support of Department of Health Services. I reduce this

item from \$95,135,850 to \$94,664,850.

I am reducing this item by \$16,000 to conform with my action in Item 4260-001-001 regarding contracting for security guard services.

I am reducing this item by \$67,000 to conform to my action in Item 4260-001-001 in reflecting the elimination of the \$100,000 legislative augmentation which reflects a change in the revised licensing cycle for long-term care facilities as proposed in the 1986-87 budget.

I am eliminating the \$75,000 added by the Legislature to restore two positions (1.8 personnel years) and allow the Department of Health Services to contract a portion of their Medical Review function to conform with my action on Item 4260-001-001.

I am eliminating the \$246,000 legislative augmentation to conform with my action on Item 4260-001-001 regarding the Gatekeeper program.

I am eliminating a \$67,000 legislative augmentation to restore the Child Health Information and Claiming Unit to provide manual claims processing for the Child Health and Disability Prevention Program. This conforms to the action I have taken in Item 4260-001-001.

Item 4260-101-001—For local assistance, Department of Health Services I reduce this item from \$2,334,225,000 to \$2,264,865,000 by reducing:

(a) 50.10—Eligibility from \$132,326,000 to \$129,826,000,

(b) 50.11—Benefits from \$4,634,972,000 to \$4,501,252,000,

(c) Amount payable from the Federal Trust Fund (Item 4260-101-890) from —\$2,455,505,000 to —\$2,388,645,000, and
by revising Provisions 16 and 32, and deleting Provisions 20, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 33.

I am revising Provisions 16 to conform to my action in Item 4260-106-001.

"16. The following shall control the allocation of funds for rate increases for obstetric services:

(a) The Department of Health Services shall increase by ~~80.5~~ 26.5 percent reimbursement rates for procedure codes 59400 through 59581 as listed in the "1969 California Relative Value Studies" (fifth edition).

~~(b) The Department of Health Services shall establish a reasonable fee schedule of not less than \$1,135 for prenatal care, delivery and one postpartum visit for comprehensive perinatal care providers."~~

I am approving an increase of 26.5 percent in Medi-Cal reimbursement rates for obstetric services. This would provide rate parity with Medi-Cal providers of other critical primary care services.

I am deleting Provision 20:

"20. The Department of Health Services shall develop a methodology to ensure that funds appropriated to upgrade patient care positions in Intermediate Care Facilities/Developmentally Disabled-Habilitative shall be spent on labor."

Language such as this discourages providers from temporarily using their own resources for improvements. Since there would have been some expense for additional auditing to enforce this requirement, I am also reducing item 4260-001-101 to conform with my action on this issue.

I am deleting Provision 22.

"22 The Department of Health Services shall establish hospice as a covered benefit under Medi-Cal."

The same change is being proposed in AB 4249 and I will consider the merits of this change in Medi-Cal benefits when the Legislature passes that legislation.

I am deleting Provision 23.

"23 The Department of Health Services shall adopt regulations reestablishing reimbursement for Extended Care Facilities until such time as there is an appropriate substitute."

The 1986-87 Budget provides \$1,007,000 for skilled nursing facility pilot projects in San Francisco and Los Angeles to acquire baseline data on health care service needs for AIDS patients. In addition, the 1986-87 Budget provides \$1,500,000 for community support block grants which include funding for pilot projects in the areas of home health care, attendant care, and hospice care. I believe that further expan-

sion of services is premature until the benefits and need for such expansion can be evaluated.

I am eliminating the \$1,500,000 legislative augmentation to this item and the \$1,500,000 payable from the Federal Trust Fund (Item 4260-101-890) to be used by the California Medical Assistance Commission to allocate to hospitals which serve a disproportionate number of AIDS patients. I believe that increasing rates based on diagnosis should be considered as part of the "give and take" of the negotiation process and should not be the subject of special consideration.

I am also deleting Provision 24 to conform to this action

"24. The Department of Health Services shall allocate \$3,000,000, \$1,500,000 of which shall be from the General Fund, to the California Medical Assistance Commission to allocate to hospitals which serve a disproportionate number of AIDS patients. The department shall apply for a waiver to the federal government if one is necessary to obtain federal financial participation in these costs"

I am eliminating the \$1,500,000 legislative augmentation to this item and the \$1,500,000 payable from the Federal Trust Fund (Item 4260-101-890) to be used by the California Medical Assistance Commission to allocate to hospitals which serve AIDS patients receiving investigational drug therapies. I believe that establishing special treatment under Medi-Cal based on diagnosis is inconsistent with providing only those services which are medically necessary.

I am also deleting Provision 25 to conform to this action.

"25. The Department of Health Services shall allocate \$3,000,000, \$1,500,000 of which shall be from the General Fund, to the California Medical Assistance Commission to allocate to hospitals which serve AIDS patients receiving investigational drug therapies. The department shall apply for a waiver to the federal government, if one is necessary, to obtain federal financial participation in these costs. The department shall report to the Legislature by July 31, 1986, on its policy regarding reimbursement of inpatient stays associated with the administration of investigational therapies"

I am eliminating the \$13,000,000 legislative augmentation to this item and \$13,000,000 payable from the Federal Trust Fund (Item 4260-101-890) to be used by the California Medical Assistance Commission in negotiating contracts with hospitals serving a disproportionate share of Medi-Cal or other low-income patients. This augmentation is unnecessary as the special needs of these hospitals were already considered with the \$5 million (\$2.5 million General Fund) augmentation that was sustained in the 1985-86 budget.

I am also deleting Provision 26 to conform with this action

"26. The Department of Health Services shall allocate \$13,000,000 appropriated in this item and \$13,000,000 appropriated in Item 4260-101-890 to be used by the California Medical Assistance Commission to take into consideration the special circumstances of hospitals serving a disproportionate share of Medi-Cal and other low-income patients."

I am eliminating the \$15,000,000 legislative augmentation to this item and the \$15,000,000 payable from the Federal Trust Fund (Item 4260-101-890) to be used by the California Medical Assistance Commission for hospital contract increases. I believe that there is still potential for further reductions in hospital contracting, considering the continued pressure for expansion of hospital facilities. While some increases may be warranted in isolated cases, I believe it would be inconsistent with the fundamental basis of negotiation to budget a general increase.

I am also deleting Provision 27 to conform with this action.

"27. The Department of Health Services shall allocate \$15,000,000 appropriated in this item and \$15,000,000 appropriated in Item 4260-101-890 to be used by the California Medical Assistance Commission to take into consideration increases warranted for hospitals contracting with the state to deliver Medi-Cal services. When allocating funds for these warranted increases, the California Medical Assistance Commission shall provide funds only for increased costs expected to occur in future contract periods."

I am eliminating the \$7,500,000 legislative augmentation to this item and the \$7,500,000 payable from the Federal Trust Fund (Item 4260-101-890) to be used by

the Department of Health Services to increase hospital outpatient rates to take into consideration the special circumstances of hospitals serving a disproportionate share of Medi-Cal and other low-income-patients. Reimbursement for outpatient services is the subject of AB 1159. I believe that legislation is the appropriate means of considering significant changes such as this.

I am also deleting Provision 29 to conform with this action.

"29 The Department of Health Services shall allocate \$7,500,000 appropriated in this item and \$7,500,000 appropriated in Item 4260-101-890 to increase hospital outpatient rates to take into consideration the special circumstances of hospitals serving a disproportionate share of Medi-Cal and other low-income patients."

I am eliminating the \$2,000,000 legislative augmentation to this item and the \$2,000,000 payable from the Federal Trust Fund (Item 4260-101-890) to fund the elimination of the Medi-Cal Inpatient Reimbursement Limit (MIRL). The current reimbursement system allows for reimbursement of reasonable costs while maintaining important cost controls. Revising this method would be counter productive to cost-effective management of the Medi-Cal program.

I am also deleting Provision 30 to conform with this action.

"30. The Department of Health Services shall eliminate the Medi-Cal Inpatient Reimbursement Limitation (MIRL) for small and rural hospitals."

I am eliminating the \$1,000,000 legislative augmentation to this item and the \$1,000,000 payable from the Federal Trust Fund (Item 4260-101-890) to fund rate increases to rural hospitals for outpatient care. Reimbursement for outpatient services is the subject of AB 1159. I believe that legislation is the appropriate means of considering significant changes such as this. They should not be effected through the budget.

I am also deleting Provision 31 to conform with this action.

"31 The Department of Health Services shall allocate \$1,000,000 appropriated in this item and the \$1,000,000 appropriated in Item 4260-101-890 to increase reimbursement to rural hospitals for outpatient care."

I am reducing \$360,000 from the \$720,000 legislative augmentation to this item and \$360,000 from the legislative augmentation to the Federal Trust Fund (Item 4260-101-890) to increase Adult Day Health Care rates. The Legislature provided funding to increase rates from \$35.31 to \$40.05. Until results of the rate study are complete, I believe that such an increase is unwarranted. However, some rate increase is appropriate, therefore, I am leaving enough funds to increase rates to \$37.68.

I am also revising Provision 32 to conform with this action.

"32. The Department of Health Services shall reimburse for adult day health care at an average daily rate of ~~\$40.05~~ \$37.68."

I am deleting Provision 33.

"33. Notwithstanding Section 14154.1 of the Welfare and Institutions Code, which requires that the Department of Health Services shall not allocate funds for nonapproved Medi-Cal applications which exceed a specified level, the level for applications accepted on or after July 1, 1985, shall be determined by multiplying the county's number of approved applications by the ratio of nonapproved applications processed by the county during 1983-84."

This Provision would have required the Department of Health Services to change the way counties are reimbursed for the Medi-Cal applications processed. This issue is the subject of pending legislation, AB 1573. This issue should be decided based on legislation and not through the budget process. I am also eliminating the \$2,500,000 legislative augmentation for County Reimbursement for Eligibility Determination to conform to this action.

I am reducing the appropriation in this item by \$25,000,000 and the appropriation in Item 4260-101-890 by \$25,000,000 to adjust the Medi-Cal Budget for an acceleration of provider claims received in the current year. It appears the Medi-Cal providers have turned in their claims in a more timely manner for the last several months. This is a one-time expense and, in order to account for this change, I am reducing the Medi-Cal budget by \$25,000,000 in this item and an equal amount of Federal funds in Item 4260-101-890.

Item 4260-101-890—For local assistance, Department of Health Services. I reduce this item from \$2,455,505,000 to \$2,388,645,000

Consistent with the above action, I am revising Provision 1.

"1. The amount payable from this item is scheduled as follows:

(a) 50.10—Eligibility (County Administration) 68,754,000

(b) 50.11—Benefits (Medical Care and Services) ~~2,356,431,000~~
2,289,571,000

(c) 50.50—Fiscal Intermediary Management 30,320,000

I am eliminating the \$1,500,000 legislative augmentation for special inpatient rates to conform with my action on Item 4260-101-001

I am eliminating the \$1,500,000 legislative augmentation for investigational drugs for AIDS patients to conform with my action on Item 4260-101-001.

I am eliminating the \$13,000,000 legislative augmentation for disproportionate inpatient provider rate increases to conform with my action on Item 4260-101-001

I am eliminating the \$15,000,000 legislative augmentation for hospital contract increases to conform with my action on Item 4260-101-001.

I am eliminating the \$7,500,000 legislative augmentation for hospital outpatient rate increases to conform with my action on 4260-101-001.

I am eliminating the \$2,000,000 legislative augmentation to fund the elimination of the Medi-Cal Inpatient Reimbursement Limitation (MIRL) to conform with my action on Item 4260-101-001.

I am eliminating the \$1,000,000 legislative augmentation for rural outpatient rate increases to conform with my action on Item 4260-101-001.

I am reducing \$360,000 from the \$720,000 legislative augmentation to conform with my action on Item 4260-101-001 to reduce the amount in this budget for an interim rate increase for Adult Day Health Care.

I am reducing this item by \$25,000,000 to conform to my action in Item 4260-101-001 to account for the extra provider claims received in the current year

Item 4260-106-001—For cost-of-living increases, Department of Health Services. I reduce this item from \$39,612,000 to \$16,995,000 by reducing:

(a) 50.11—Benefits (Medical Care and Services) from \$79,692,000 to \$34,016,000,

(b) Amount payable from the Federal Trust Fund from -\$40,080,000 to -\$17,021,000.

The Legislature added \$15,593,000 in this item and an equal amount in Item 4260-106-890 to provide for an increase in reimbursement rates paid to the providers of obstetric services in the Medi-Cal program. The legislative augmentation provided for an increase of 80.5 percent in the rates for obstetric services and an additional \$200 increase in rates for the Medi-Cal providers who provide obstetric services under AB 3021 (Chapter 1404, Statutes of 1984). I am reducing this augmentation to \$4,955,000 in this item and a corresponding amount in Federal Funds which will permit a 26.5 percent increase to provide for rate parity with the Medi-Cal providers of other critical primary care services

The Legislature added \$11,958,000 to this item and \$12,424,000 to Item 4260-106-890 to provide for a 2.0 percent increase in discretionary provider rates for the Medi-Cal Providers. Due to competing demands on the General Fund, I am eliminating this augmentation

The Legislature added \$21,000 to this item and \$21,000 to Item 4260-106-890 to provide for a 14.0 percent increase in transportation rates for the portable x-ray providers. Due to competing demands on the General Fund, I am eliminating this augmentation for this limited group of Medi-Cal providers

Item 4260-106-890—For cost-of-living increases, Department of Health Services. I reduce this item from \$40,080,000 to \$17,021,000.

I am eliminating the \$21,000 legislative augmentation to this item for the 14.0 percent increase in the transportation rates for the portable X-ray providers. This conforms with my action in Item 4260-106-001.

I am eliminating the \$12,424,000 legislative augmentation which would have provided for a 2.0 percent increase in discretionary provider rates for the Medi-Cal providers. This conforms with my action in Item 4260-106-001

I am reducing \$10,614,000 from the \$15,593,000 augmented by the Legislature for

the obstetric rate increases to correspond to the reduction in Item 4260-106-001. I am retaining a \$4,979,000 augmentation to conform to my action in Item 4260-106-001 to provide for significant increases in this program to provide for rate parity with the Medi-Cal providers of other critical primary care services.

Item 4260-111-001—For local assistance, Department of Health Services. I reduce this item from \$1,122,254,500 to \$1,108,914,500 by reducing:

- (a) 11—Preventive Medical Services from \$22,793,500 to \$18,043,500,
- (b) 20—Family Health from \$117,740,000 to \$113,190,000,
- (c) 40—Rural and Community Health from \$981,721,000 to \$977,681,000, and revising Provisions 1, 2, and 3.

I am eliminating the \$500,000 legislative augmentation to provide outreach services to encourage high risk groups to seek AIDS testing. The 1986-87 Budget provides \$3.9 million for HTLV-III testing pursuant to AB 488 (Chapter 23, Statutes of 1985) which appropriated \$5 million for establishment of alternative test sites. The reimbursement rate to counties for administering the tests has been increased from \$11 per test to \$40 per test to include enhanced outreach and education. I believe the current level of funding is sufficient and that further augmentation is unnecessary at this time.

I am eliminating the \$1,800,000 legislative augmentation to support AIDS epidemiology and education services at the local level. I am providing \$2.6 million for this purposes in 1986-87. Until such time as these efforts can be evaluated, further augmentation is premature.

I am eliminating the \$1,200,000 legislative augmentation for AIDS community support services. The 1986-87 budget provides \$1,500,000 for community support block grants which include expenditures for pilot projects in the areas of home health care, attendant care, and hospice care. Additionally, I am supporting efforts to include hospice care as a Medi-Cal benefit. This augmentation, which is intended to provide for AIDS health care outside of the hospital setting, would be duplicative of these efforts and is premature until the benefits of and needs for these projects can be evaluated.

I am eliminating the \$1,000,000 legislative augmentation for AIDS intermediate care. I have already proposed an augmentation of \$1,007,000 for skilled nursing facility pilot projects in San Francisco and Los Angeles to acquire baseline data on health care service needs for AIDS patients. Since no data currently exist and the use of and need for these services have not been documented, an additional \$1,000,000 for this purpose is inappropriate at this time.

I am eliminating the \$250,000 legislative augmentation for AIDS demonstration projects in county jails. It is inappropriate for the State to undertake activities which are the responsibility of the local jurisdictions. Demonstration projects in county correctional facilities should remain the responsibility of local jurisdictions.

I am eliminating a legislative augmentation in the amount of \$300,000 added to fund school-based health clinics. These services are already authorized through the Comprehensive Health Education Program. Included in the budget for school districts is over \$12 billion in general purpose and categorical funds that can be used for this purpose. Additionally, I have included \$500,000 for the Department of Education in both FY 1985-86 and 1986-87 to develop curriculum as well as pamphlets and flyers regarding available health services.

I am eliminating a legislative augmentation of \$4,250,000 for the Family Planning program. This program was augmented by \$4,000,000 in FY 1985-86 which, when combined with last year's COLA, provided a 17.1 percent increase.

I am eliminating the \$400,000 legislative augmentation for rural health services to provide funding for increased costs of liability insurance. The requirements for liability insurance have not changed in the recent past. Any contract adjustments for increased costs of providing services should be made during normal contract negotiations.

I am eliminating the \$3,640,000 legislative augmentation to provide new and expanded services for the rural health program. Funding for this program has grown by 15.5 percent since 1983-84. In light of the current demand for State support in a wide variety of programs, I believe that the level of funding in the budget is

appropriate

I am deleting Provision 1(b) which would require counties to develop and submit expenditure plans as a condition of receiving AIDS block grant funding. This language is inappropriate. The concept of requiring State approval over plans for expending block grant funding is contradictory. Block grant funds are provided for a general purpose and the receiving jurisdictions are given the flexibility to allocate and administer the funding as they deem necessary and appropriate.

I am deleting Provision 1(f) as part of my action to reduce the overbudgeting of funds for AIDS activities. Provision 1(f) is unnecessary because the Department considers all target groups, including the general public and health and public safety personnel, when allocating funds for information and education contracts. It is important that the Department maintain the flexibility to allocate these funds in the most effective manner possible to address the most critical of needs in the area of AIDS information and education.

I am revising Provisions 1, 2 and 3 to conform with these actions

"1. Program 11—Preventive Medical Services:

- (a) Should influenza vaccine, or funding for influenza vaccine, become available to the state, such resources or funds shall be used in lieu of equivalent funds appropriated from the General Fund for such purpose to the extent that the same target population is served
- (b) ~~The department shall (1) require counties to develop AIDS plans and budgets as a condition of receiving aids block grants; (2) review the plans and budgets to assure that proposed expenditures are consistent with program goals; and (3) monitor expenditures to assure that actual expenditures are in general agreement with the plan and budget. The department shall recoup and revert to the General Fund any funds not spent in this manner.~~
- (c) ~~The department shall allocate \$500,000 to counties to contract for or provide outreach to high risk groups to encourage them to seek AIDS testing. Funds shall be allocated on the basis of population; test volume; number of AIDS cases; and number of alternate test sites.~~
- (d) ~~Counties are prohibited from receiving state funds for county AIDS programs unless they maintain their current level of support for AIDS services. A county shall submit a plan to the state demonstrating how it will address epidemiological and educational issues related to the AIDS epidemic; the sources of funds it has available for AIDS related activities; and an expenditure plan for local assistance funds provided by the state. The department is authorized to use up to \$400,000 of the \$1,400,000 in local assistance funds to contract with local jurisdictions for special studies.~~
- (e) ~~The department shall allocate \$2,700,000 of the funds appropriated in this item to fund AIDS related programs providing a continuum of services outside of hospital settings. In allocating the funds, the department shall encourage counties to contract, when possible, with community based providers.~~
- (f) ~~In allocating funds for information and education contracts regarding AIDS, the department shall consider the need for education of health personnel.~~
- (g) ~~The department shall allocate \$1,000,000 for San Francisco and Los Angeles counties to fund additional intermediate long-term care beds for persons with AIDS or AIDS-related conditions.~~
- (h) ~~The department shall allocate \$250,000 to fund demonstration projects in county jails for treatment of persons with HTLV/III infection.~~

"2. Program 20—Family Health Services:

- (a) Funds appropriated in this item for services to physically handicapped children shall be used in accordance with provisions of Article 2 (commencing with Section 248) of Chapter 2 of Division 1 of the Health and Safety Code, provided that any person who is eligible for and is receiving services under the program funded by this item shall not be denied services or suffer an interruption of services because of any relocation

within this state.

- (b) Collections of family repayments (a) by CCS in excess of \$750,000 and (b) by GHPP in excess of \$70,000 shall be used to offset the General Fund appropriation to those programs.
- (c) The CCS Program shall require all CCS applicants who are potentially eligible for cash grant public assistance to apply for Medi-Cal eligibility prior to becoming eligible for CCS funded services, unless the individual declines to apply on the basis of known ineligibility under state law and the regulations promulgated thereunder.
- (d) The department shall allocate \$300,000 to establish school-based health clinics. Thirty days prior to expenditure of these funds, the department shall provide the Legislature with an expenditure plan.
- (e) The department shall allocate \$3 million for basic contraceptive services provided under the family planning program. The department shall allocate \$1,250,000 to fund the testing and treatment of chlamydia. To the extent possible, the department shall endeavor to allocate the funds for the reduction of unintended teen pregnancies.
- (f) In considering applications for funding for maternal and child health grants in the 1986/87 budget year, the department shall endeavor to fund demonstration projects which serve adolescents by providing health services on or near a school site. If a supplemental augmentation is approved for Community Clinic Grant/in/Aid programs, the Rural and Community Health Program should endeavor to fund demonstration projects administered by community clinics which serve adolescents by providing health services on or near a school site.

3. Program 40—Rural and Community Health:

- (a) The reimbursement rate for any procedure or service shall not be increased to exceed the Medicare rate for a comparable procedure or service, nor shall the reimbursement rate for any procedure or service which is currently above the Medicare rate be increased above its current level.
- (b) Amounts identified as abatements to the county medical services program for retroactive aid to the totally dependent program claims shall be transferred from the Health Care Deposit Fund to the county medical services program without regard to fiscal year.
- (d) Funds appropriated for Medically Indigent Services in independent counties shall be spent to preserve or provide reasonable access to both inpatient hospital care and outpatient care.

Outpatient care includes reasonable access, as determined by the Department of Health Services, to physician's services through county outpatient clinics, nonprofit community outpatient clinics, or other arrangements, the Medi-Cal formulary of prescription drugs, and acute dental care. The department may withhold this funding for any county for which it makes a finding that the funding is not necessary to preserve or provide reasonable access to both inpatient hospital care and outpatient care. The department shall withhold approval if it makes a finding that the county will not be in compliance with state statutory requirements governing eligibility, advance payment of patient liability, or notices.

- (f) The department shall allocate \$100,000 to primary care clinics to maintain professional liability coverage.
- (g) Of the funds appropriated in this item, the department shall allocate \$1,000,000 for rural health clinics; \$1,500,000 for grants/in/aid to primary care clinics; \$610,000 for farm worker health clinics; and \$500,000 for clinic equipment. Of this \$610,000, \$100,000 shall be spent for expansion of clinics in Fresno, Tulare, Kern, Riverside, and Merced Counties and \$150,000 for new sites in Monterey, Kern, and Imperial Counties.
- (h) To the extent savings are available from the County Health Services Fund, the director shall allocate the funds according to the following priorities:

(1) Public Health Emergencies	315,000
(2) Distressed County Facilities (as defined in Section 16715 of the Welfare and Institutions Code)	470,000
(3) Refugee Health Programs.....	245,000
(4) Computerization of County Information Processing	535,000
(5) County-Clinic Linkages	130,00
(6) Elder Care Projects	505,000
(7) Medication Education Program for Seniors.....	250,000

If the funding applications of local jurisdictions request fewer funds by category than the amounts set forth above, the director may reallocate funds from one category to another. However, in reallocating funds, the director shall first consider the need for additional funds in the categories in the order of the priorities listed above.

- (j) Funds appropriated in this item for the purpose of grants and contracts for lupus erythematosus research shall be used for basic research and shall be subject to the provisions of Section 2 of Chapter 297 of the Statutes of 1976 as amended by Section 1 of Chapter 643 of the Statutes of 1982 "

Item 4260-116-001—For cost-of-living increases, Department of Health Services I reduce this item from \$19,873,000 to \$14,973,000 by reducing:

- (a) 40—Rural and Community Health from \$19,873,000 to \$14,973,000.

I am eliminating the \$4,900,000 legislative augmentation to provide a one percent discretionary COLA for the Medically Indigent Services program because of the large demands placed on the General Fund. The 1985 Budget Act contained a \$50 million legislative augmentation to this program, which represented a 10.6 percent increase over the 1984-1985 fiscal year appropriation. I am continuing that level of funding in the 1986-87 fiscal year.

Item 4300-101-001—For local assistance, Department of Developmental Services, for Regional Centers I reduce this item from \$370,072,000 to \$356,250,000 by reducing:

- (c) Special Adjustment Cost-of-Living Adjustment from \$15,353,000 to \$1,531,000, and by deleting Provision 6

I am eliminating a legislative augmentation of \$10,760,000 for a 5 percent discretionary cost-of-living adjustment (COLA) for residential care facility rates. A COLA for residential care facilities is contained in Administration-sponsored legislation, SB 2525, which will restructure the existing residential care rate reimbursement system. I believe it is more appropriate to deal with the COLA as part of the revised rate system proposed in the bill.

I am further reducing by \$3,062,000 the discretionary COLA for providers of non residential care services and for regional center operating expenses. The final budget will provide \$1,531,000 for a 1 percent COLA consistent with the low rate of inflation.

I am also deleting Provision 6. This provision, added by the Legislature, would require the Department of Developmental Services to include in each Regional Center Contract a provision for a full pass-through to regional center employees of all 1986-87 salary and benefit increases.

- "6. The Department of Developmental Services shall include in each Regional Center Contract which it enters into for fiscal year 1986-87, a provision for a full pass-through to regional center employees of all 1986-87 salary increases and benefit allowances allocated to the regional centers "

I believe this provision would interfere with the collective bargaining process and would unduly restrict the regional centers' ability to meet local staffing needs.

Item 4300-111-001—For local assistance, Department of Developmental Services, for State Hospitals I reduce this item from \$68,878,400 to \$68,696,400 by reducing:

- (a) 20—State Hospital Services Program from \$467,653,400 to \$467,516,400,
(b) Special Adjustment Cost-of-Living Adjustment from \$90,000 to \$45,000,

I am reducing this item by \$182,000 to reflect the following actions.

I am reducing \$137,000 and 158.4 personnel years to continue the contracting out

proposal for housekeeping services at the state hospitals.

I have taken the opportunity to review the Legislature's action on my contracting-out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of services to the public. Although many of my proposals were adopted by the Legislature, the contracting-out proposal which would have allowed the Department of Developmental Services to realize cost savings related to housekeeping services at the state hospitals was not accepted. In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract-out. I am, therefore, eliminating the 158.4 personnel years added by the Legislature and will use the related funds to contract these services. The \$137,000 reduction reflects the revised estimates of 1986-87 savings which will be realized as a result of contracting for these services.

I am also reducing \$45,000 from the discretionary cost-of-living adjustment (COLA). The budget will provide \$45,000 for a 1 percent increase which is consistent with the low rate of inflation.

Item 4300-121-001—For local assistance, Department of Developmental Services. I reduce this item from \$7,890,000 to \$7,671,000 by reducing.

(d) Special Adjustment Cost-of-Living Adjustment from \$285,000 to \$66,000.

I am reducing \$219,000 of the \$285,000 legislative augmentation for the discretionary cost-of-living adjustment (COLA). The budget will provide \$66,000 for a 1 percent COLA consistent with the low rate of inflation.

Item 4300-301-036—For capital outlay, Department of Developmental Services. I am revising Provision 3, and deleting Provision 2.

I am revising Provision 3 because the second paragraph does not allow sufficient flexibility to measure the performance of the State Architect with regard to maintaining planning and construction schedules for the State Hospital projects. In a practical sense, even the best-managed capital outlay schedules are subject to delays for unforeseen circumstances, activities of other reviewing agencies and the activities of the client State departments. I am, however, allowing language to remain which requires quarterly reporting on project schedule status by the Office of the State Architect to heighten the awareness of the concerns expressed by the Legislature for completing projects in a timely fashion for the benefit of all agencies whose activities affect those schedules.

"3 By August 1, 1986, and every three months thereafter, the State Architect, or the acting head of the Office of State Architect, shall report to the Joint Legislative Budget Committee on the status of each capital outlay project funded in this item. At a minimum, this report shall specify whether each project is progressing according to the timeline specified in the Supplemental Report of the 1986 Budget Act. If the Supplemental Report of the 1986 Budget Act does not specify a timeline for a project, then the August 1, 1986, Office of State Architect Report shall establish an expeditious project schedule, and this schedule shall be used as the basis for each subsequent report. Whenever a project is not progressing according to schedule, the report shall detail the reasons for the delay and the steps that have been or will be taken to expedite the project's development.

~~If any project subject to this reporting requirement is not progressing according to the above timelines, then no funds appropriated by this act, or available from any other source, shall be expended for the payment of the salary or for any other compensation of the State Architect, or acting head of the Office of State Architect."~~

I am deleting Provision 2 because it would restrict the Administration's flexibility to conform Capital Outlay projects to any hospital licensing and accreditation standard changes that may occur, or adjustments which may be necessary to maintain costs in line with approved amounts. Further, this provision conflicts with existing provisions of the Government Code which recognize the necessity for maintaining flexibility in the administration of capital outlay projects.

"2. Notwithstanding any other provision of law, the scope of all major capital outlay projects for which funds are appropriated by this item shall be ap-

proved by the Legislature and outlined in the Supplemental Report. No change in project scope shall be authorized for any project funded under this item, except by the Legislature."

Item 4300-490—For capital outlay, Department of Developmental Services. I am revising Provision 1.

I am revising Provision 1 because the second paragraph does not allow sufficient flexibility to measure the performance of the State Architect with regard to maintaining planning and construction schedules for the State Hospital projects. In a practical sense, even the best-managed capital outlay schedules are subject to delays for unforeseen circumstances, activities of other reviewing agencies and the activities of the client State departments. I am, however, allowing language to remain which requires quarterly reporting on project schedule status by the Office of the State Architect to heighten the awareness of the concerns expressed by the Legislature for completing projects in a timely fashion for the benefit of all agencies whose activities affect those schedules

- "1. By August 1, 1986, and every three months thereafter, the State Architect, or the acting head of the Office of State Architect, shall report to the Joint Legislative Budget Committee on the status of each capital outlay project funded in this item. At a minimum, this report shall specify whether each project is progressing according to the timeline specified in the Supplemental Report of the 1986 Budget Act. If the Supplemental Report of the 1986 Budget Act does not specify a timeline for a project, then the August 1, 1986, Office of State Architect Report shall establish an expeditious project schedule, and this schedule shall be used as the basis for each subsequent report. Whenever a project is not progressing according to schedule, the report shall detail the reasons for the delay and the steps that have been or will be taken to expedite the project's development.

~~If any project subject to this reporting requirement is not progressing according to the above timelines, then no funds appropriated by this act, or available from any other source, shall be expended for the payment of the salary or for any other compensation of the State Architect, or acting head of the Office of State Architect."~~

Item 4440-001-001—For support of Department of Mental Health. I reduce this item from \$24,229,000 to \$22,979,000 by reducing:

- (a) 10—Community Services from \$18,311,000 to \$17,061,000, and by deleting Provisions 5, 6 and 7.

I am eliminating a legislative augmentation of \$500,000 which was added for research activities. Chapter 1286/85 (AB 2541) mandated the Department of Mental Health to appoint a Mental Health Research Advisory Committee to advise and assist the Department in establishing research priorities. AB 2541 also directs DMH to include research activities in its ongoing budget. The research program is in the initial start-up stages and the appropriate funding level is unknown. Given the limited General Fund revenues available, the many funding priorities, and the newness of this activity, I believe the \$1 million funding level which I originally proposed is appropriate. As the program is more fully implemented, the need for additional funds will be evaluated. I am deleting Provision 7 to conform to this action.

- "7. The Director of Finance may authorize the expenditure of \$500,000 available for mental health research activities not sooner than 30 days after notification in writing to the chairperson of the fiscal committee in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairperson of the joint committee, or his or her designee, may in each instance determine."

I am also eliminating a \$750,000 legislative augmentation for media and training activities for Acquired Immune Deficiency Syndrome (AIDS). Chapter 767, Statutes of 1985 (SB 1251), provided \$300,000 to the Department of Mental Health for the development and distribution of AIDS informational materials, and \$200,000 for the development of training and education materials. In addition, SB 1251 requires the Department of Mental Health to conduct a statewide needs assessment of AIDS-

related mental health needs. This assessment will be completed sometime during the Fall of 1986 and will provide information to determine what additional efforts are needed. I am deferring approval of this increased funding level until the assessment is completed and/or the funds currently available are fully exhausted.

I am also deleting Provisions 5 and 6 to conform to this action.

"5. Of the amount appropriated in this item, \$250,000 shall be used for the distribution of AIDS related materials developed in 1985-86, and \$250,000 shall be used to develop and distribute new media materials. This work shall be done in consultation with the Department of Health Services."

"6 Of the amount appropriated in this item, \$250,000 shall be used for.

- (a) Training of mental health professionals with regard to AIDS issues;
- (b) Training of AIDS health care providers with regard to mental health issues,
- (c) Programs for burn-out of health and mental health providers, and
- (d) Training of peer counselors."

Item 4440-011-001—For support of Department of Mental Health. I reduce this item from \$289,988,000 to \$289,928,000 by reducing:

(a) 20.10—Lanterman-Petris-Short Act from \$178,983,000 to \$178,923,000, and by deleting Provision 10

I am reducing this item by \$60,000 to reflect the following actions:

I am eliminating the \$49,000 and 16.1 personnel years restored by the Legislature to continue the contracting out proposal for janitorial services at Metropolitan State Hospital, the 3.8 personnel years to continue the contracting out proposal for laboratory services at Patton State Hospital, and the \$11,000 and 6.2 personnel years to continue the contracting out proposal for laundry services at Metropolitan State Hospital,

I am also deleting Provision 10 to conform to this action

"10. The department shall ensure that no state hospital laundry worker shall be displaced because of the laundry contract at Metropolitan State Hospital. These employees shall be offered other hospital employment at their current hospital location, in a comparable job category, and at a compensation level which is not less than what they received previously. It is the intent of the Legislature that future budget proposals contain detailed plans for accommodating employees displaced by contracting proposals"

I have taken the opportunity to review the Legislature's action on my contracting out proposals, which I initiated to encourage the development of innovative alternatives to traditional State operations with the intent of increasing the efficiency of the delivery of the services to the public. Although many of my proposals were adopted by the Legislature, the contracting out proposals cited above, which would have allowed the Department of Mental Health to realize cost savings at the state hospitals, were not accepted

In reviewing the basis for the Legislature's action, I have determined that these proposals continue to be an appropriate opportunity to contract out. I am, therefore, eliminating the 26.1 personnel years added by the Legislature and will use the related funds to contract these services. The \$60,000 reduction reflects the estimate of 1986-87 savings which will be realized as a result of contracting for these services.

Item 4440-101-001—For local assistance, Department of Mental Health I reduce this item from \$499,364,000 to \$492,606,000 by reducing:

(b) 10.25 Community Services—other treatment from \$500,863,000 to \$500,713,000,
 (d) 10.55 020 Targeted Supplemental Services: Alternatives to inappropriate jail placement from \$7,808,000 to \$5,200,000,
 and by eliminating

(h) 10.85 AIDS (\$4,000,000) and deleting Provisions 11, 12, and 15.

I am eliminating a legislative augmentation of \$4 million which was added for Acquired Immune Deficiency Syndrome (AIDS) for mentally disabled persons. I believe that AIDS treatment and referral services can be provided within the existing \$493 million allocated for local mental health programs. Counties are free to allocate resources to develop additional specialized treatment programs, including an AIDS program, as they identify such local needs. The Department of Mental

Health (DMH) is conducting a statewide needs assessment of AIDS-related mental health needs. Until the results of the statewide needs assessment (to be completed in the fall of 1986, per SB 1251) indicate specific needs, any service needs should be met within the existing Short/Doyle allocation.

I am also deleting Provision 15 to conform to this action. Further, this language places the AIDS-related target groups among those currently identified in the Targeted Supplement Fund categories. These categories have been identified in the statute as problems on a "system-wide" basis and require additional planning and funding mechanisms through the Targeted Supplement Fund allocation process. The proposed new AIDS group is not designated to have similar service difficulties and, therefore, should not be included.

"15. Of the amount appropriated in this item, \$4 million shall be used to provide critical mental health treatment services to victims of Acquired Immune Deficiency Syndrome (AIDS). These funds shall be used to provide services to the following populations:

- (a) People with AIDS.
- (b) People with ARC.
- (c) People who test antibody positive or negative for exposure to the AIDS virus.
- (d) Significant others of any of those in the above groups.
- (e) Those suffering from AIDS-related depression, anxiety or somatization disorders."

I am also eliminating a \$2,608,000 legislative augmentation to provide Los Angeles (L.A.) County with a 72-bed transitional residential program, and 6 acute psychiatric beds for a jail diversion program. The budget provides \$493 million for local mental health programs, of which L.A. County will receive approximately \$148 million or 30 percent. Counties also have access to any unspent funds which are available for rollover into the following fiscal year. In addition, the budget provides \$5.2 million specifically for alternative placement for mentally disabled persons who are inappropriately placed in jails. Of this amount, L.A. County will receive approximately \$1.9 million or 37 percent of these funds. An additional \$15 million is available to counties based on the legislatively mandated poverty/population/equity funding formula established through Chapter 1081/85 (SB 786) to fund county service priorities.

If this project is a county priority, the costs should be accommodated within the county's allocation, and the \$1.9 million targeted for inappropriate jail placement projects.

Furthermore, the augmentation would create an inequity and would disrupt progress towards the equity funding approach mandated by Chapter 1081/85 (SB 786) which requires that all new funds for mental health services be allocated based on an established poverty/population/equity funding formula.

I am also eliminating a \$150,000 legislative augmentation for the Edgewood Children's Center. According to the DMH, the Center currently receives \$30,000 from the County's Short/Doyle mental health allocation to fund this program. Next year, the school will receive \$81,000 in local mental health funds and a \$20,000 prevention grant from the DMH. This funding represents a 237 percent increase.

The provision of additional funds beyond this level for this facility is inconsistent with the program's block grant funding approach negotiated by the Legislature, the Administration and service providers through Chapter 1286/85 (AB 2541). This augmentation would create an inequity by providing a significant percentage increase for one provider, and would be in violation of and disrupt progress toward the equity funding approach mandated by Chapter 1081/85 (SB 786) which requires that all new funds for mental health services be allocated based on an established poverty/population/equity funding formula. I am also deleting Provision 12 to conform to this action.

"12. Of the amount appropriated in Schedule (b) 10.25 Community Services—other treatment, \$150,000 shall be available for Edgewood Children's Center to provide mental health day treatment service."

Provision 11 would allow seven counties to receive almost \$2.3 million in new General Funds without the required ten percent match (\$254,000) for FY 1986-87 only. This proposal constitutes a program reduction due to the loss of local match

funds for services. In addition, the waiver of a county match in this program raises an equity issue with respect to other programs which require a match. Therefore, I am eliminating Provision 11.

- "11. Certain counties have suffered a revenue loss in recent years and are not able to appropriate the county share of cost of augmented mental health funding. It is the intent of this proviso to enable those counties to utilize added state funds without the necessity of increasing county contribution from the 1985-86 fiscal year level, provided the 1986-87 level of county participation is not less than the 1985-86 amount. Upon certification of the State Controller that the net county cost for the 1985-86 year, after adjustment by the Consumer Price Index, exceeds projected general purpose revenue sources by a factor of more than 5 percent of the net county cost, then the county matching funds, as specified in the Welfare and Institutions Code, required of that county is waived for augmented funds and cost-of-living adjustment included in this item."

Item 4440-301-036—For capital outlay, Department of Mental Health. I am revising Provision 3, and deleting Provision 2.

I am revising Provision 3 because the second paragraph of this provision does not allow sufficient flexibility to measure the performance of the State Architect with regard to maintaining planning and construction schedules for the State Hospital projects. In a practical sense, even the best-managed capital outlay schedules are subject to delays for unforeseen circumstances, activities of other reviewing agencies and the activities of the client State departments. I am, however, allowing language to remain which requires quarterly reporting on project schedule status by the Office of the State Architect to heighten the awareness of the concerns expressed by the Legislature for completing projects in a timely fashion for the benefit of all agencies whose activities affect those schedules.

- "3. By August 1, 1986, and every three months thereafter, the State Architect, or the acting head of the Office of State Architect, shall report to the Joint Legislative Budget Committee on the status of each capital outlay project funded in this item. At a minimum, this report shall specify whether each project is progressing according to the time-line specified in the Supplemental Report of the 1986 Budget Act. If the Supplemental Report of the 1986 Budget Act does not specify a timeline for a project, then the August 1, 1986, Office of State Architect report shall establish an expeditious project schedule, and this schedule shall be used as the basis for each subsequent report. Whenever a project is not progressing according to schedule, the report shall detail the reasons for the delay and the steps that have been or will be taken to expedite the project's development.

~~If any project subject to this reporting requirement is not progressing according to the above timelines, then no funds appropriated by this act, or available from any other source, shall be expended for the payment of the salary or for any other compensation of the State Architect, or acting head of the Office of State Architect."~~

I am deleting Provision 2 because it would restrict the Administration's flexibility to conform Capital Outlay projects to any hospital licensing and accreditation standard changes that may occur, or adjustments which may be necessary to maintain costs in line with approved amounts. Further, this provision conflicts with existing provisions of the Government Code which recognize the necessity for maintaining flexibility in the administration of capital outlay projects.

- "2. Notwithstanding any other provision of law, the scope of all major capital outlay projects for which funds are appropriated by this item shall be approved by the Legislature and outlined in the Supplemental Report. No change in project scope shall be authorized for any project funded under this item, except by the Legislature."

Item 4440-490—For capital outlay, Department of Mental Health. I am revising Provision 3.

I am revising Provision 3 because the second paragraph of this provision does not contain sufficient flexibility to measure the performance of the State Architect with

regard to maintaining planning and construction schedules for the State Hospital projects. In a practical sense, even the best-managed capital outlay schedules are subject to delays for unforeseen circumstances, activities of other reviewing agencies and the activities of the client State departments. I am, however, allowing language to remain which requires quarterly reporting on project schedule status by the Office of the State Architect to heighten the awareness of the concerns expressed by the Legislature for completing projects in a timely fashion for the benefit of all agencies whose activities affect those schedules.

"3 By August 1, 1986, and every three months thereafter, the State Architect, or the acting head of the Office of State Architect, shall report to the Joint Legislative Budget Committee on the status of each capital outlay project funded in this item. At a minimum, this report shall specify whether each project is progressing according to the timeline specified in the Supplemental Report of the 1986 Budget Act. If the Supplemental Report of the 1986 Budget Act does not specify a timeline for a project, then the August 1, 1986, Office of the State Architect Report shall establish an expeditious project schedule, and this schedule shall be used as the basis for each subsequent report. Whenever a project is not progressing according to schedule, the report shall detail the reasons for the delay and the steps that have been or will be taken to expedite the project's development.

~~If any project subject to this reporting requirement is not progressing according to the above timelines, then no funds appropriated by this act, or available from any other source, shall be expended for the payment of the salary or for any other compensation of the State Architect, or acting head of the Office of State Architect."~~

Item 5100-001-185—For support of Employment Development Department. I reduce this item from \$24,887,000 to \$24,314,000.

I am reducing this item by \$573,000, payable from this fund to Item 5100-001-870, to conform with my actions in Item 5100-001-870 as follows:

I am eliminating a \$40,000 legislative augmentation that would have provided funding for the California Employer Council.

I am eliminating a \$89,000 legislative augmentation that would have provided funding for the California Agricultural Employment Program.

I am eliminating a \$194,000 legislative augmentation that would have provided funding for job training videos.

I am eliminating a \$100,000 legislative augmentation that would have provided funding for EDD administration.

I am also eliminating a \$150,000 legislative augmentation that would have provided funding for the Technology Exchange Center.

Item 5100-001-869—For support of state programs under the Job Training Partnership Act, Employment Development Department. I delete Provision 3.

Provision 3 of this item would attempt to control the allocation of FY 1987-88 funds. I believe it is inappropriate to use FY 1986-87 budget control language to control allocation of future year funds. In addition, this language would raise the performance requirements for Service Delivery Areas (SDAs) to qualify for incentive grant awards for their FY 1986-87 training programs. Based on information from the most recent program year, this language would result in the loss of some \$3.7 million to 19 SDAs throughout the State. Many SDAs have already negotiated training contracts for FY 1986-87 services and activities. This language would encourage SDAs to revise their training plans to include more easy-to-serve participants at the expense of hard-to-place persons (e.g., high school dropouts, economically-disadvantaged persons and the long-term unemployed). Therefore, I am deleting Provision 3.

"3. Incentive funds allocated by the State Job Training Coordinating Council in fiscal year 1987-88 for performance during fiscal year 1986-87 shall only be allocated to Service Delivery Areas that meet all seven federal performance standards, as adjusted, in the following manner:

(a) \$15,000 for each standard in which the Service Delivery Area is in the fiftieth percentile of those above the minimum for that standard.

- (b) From the remaining funds, a share shall be allocated to each of these service delivery areas, based on the sum of the percentages by which each service delivery area exceeds the average of those above the minimum for each standard multiplied by the service delivery area's proportion of the funds allocated under schedule (a) 60.70—Adult and Youth Training Programs of Item 5100-101-869.”

Item 5100-001-870—For support of Employment Development Department I reduce this item from \$317,189,183 to \$315,804,183 by reducing:

(a) 10—Employment and Employment Related Services from \$154,019,183 to \$152,061,183,

(i) Amount payable from the Employment Development Contingent Fund (Item 5100-001-185) from—\$24,887,000 to—\$24,314,000.

I am eliminating a \$40,000 legislative augmentation, payable from Item 5100-001-185, that would have provided funding for the California Employer Council and an \$89,000 legislative augmentation, payable from Item 5100-001-185, that would have provided funding for the California Agricultural Employment Program. I am vetoing these projects on the basis that they were supported in the current year with Job Services Discretionary funds to provide transition-year financing to ensure acquisition of a permanent funding source. These projects should be no longer dependent upon Job Services Discretionary funds for support.

I am also eliminating a \$194,000 legislative augmentation, payable from Item 5100-001-185, that would have provided funding for job search training videos. I am vetoing this project on the basis that it can be deferred until a subsequent year for funding with Job Services Discretionary funds.

I am reducing by \$100,000 a legislative augmentation, payable from Item 5100-001-185, that would have provided additional funding for EDD administrative costs in the Job Services Discretionary program. With this action, I am approving a legislative augmentation of \$475,000 to support program administration. This reduced augmentation will fully fund EDD for the cost of administering the Job Services Discretionary projects.

I am also eliminating a \$150,000 legislative augmentation, payable from Item 5100-001-185, that would have provided funding for the Technology Exchange Center. Previously known as the Orange County Business Labor Council (BLC), the center was established to facilitate communications between private business, education, and training providers. Under the new Job Training Partnership Act, Private Industry Councils are now performing this coordination role and have assumed the responsibilities of the BLCs.

I am eliminating a \$500,000 legislative augmentation that would have provided funding for the Agricultural Career Training Program (ACTP), and a \$500,000 legislative augmentation that would have provided funding for the Workability Program. I am vetoing these projects on the basis that they were supported in the current year with Job Services Discretionary funds to provide transition-year financing to a permanent funding source. The purpose of the Job Services Discretionary Fund is to provide incentives for employment programs, to support model employment programs, and to provide employment services to persons with special needs. The funds must be targeted to these important purposes.

I am also eliminating a \$385,000 legislative augmentation that would have provided additional funding for the Deaf and Hearing Impaired Project. My expenditure plan for the Job Services Discretionary funds includes \$350,000 for this project to provide transition-year financing to ensure acquisition of a permanent funding source. The funding level ensures the continued success of this unique employment program.

Item 5100-011-890—For support of Employment Development Department, for transfer to the Unemployment Administration Fund. I reduce this item from (\$317,189,183) to (\$315,804,183).

I am reducing this item by \$1,385,000 to reflect the reduced amount for transfer to the Unemployment Administration Fund. This conforms to the actions I have taken in Item 5100-001-870

Item 5160-001-001—For support of Department of Rehabilitation. I reduce this

item from \$19,338,000 to \$19,324,000 by reducing:

(a) 10—Vocational Rehabilitation Services from \$118,527,000 to \$118,413,000,

(b)* 20—Habilitation Services from \$2,215,000 to \$2,015,000,

(g) Amount payable from the Federal Trust Fund (Item 5160-001-890) from—\$99,553,000 to—\$99,453,000, and deleting Provisions 4 and 5.

* Technical correction not included in total.

I am reducing this item by \$14,000 to reflect the following actions:

Elimination of an augmentation of \$200,000 to fund a Senior Center for the blind and partially sighted in the San Fernando Valley. This augmentation would circumvent the Department's competitive bidding process by singling out one provider to receive funds for a pilot program. To reflect this action I am reducing schedule 20-Habilitation Services by \$200,000. However, I am not reducing the item by a corresponding amount because the augmentation is not reflected in the budget bill due to a technical error. I am deleting Provision 5 to conform with this action.

"5. Of the amount appropriated in this item, \$200,000 shall be for operational expenses of the Sophie Meyers School for the Blind."

I am reducing \$73,000 and 2 positions (1.9 PY) from a legislative augmentation of \$147,000 and 4 positions. This action will augment the Department's current activity by \$74,000 and I am directing it to use the funds for two positions to provide administrative and support services for coordination of programs to the blind. This is in addition to \$14 million contained in the budget for counseling and other services to the blind and visually impaired. I am deleting Provision 5, in Item 5160-101-001 to conform with this action.

This action results in a reduction of the amount payable from the Federal Trust Fund of \$59,000 and a corresponding amount in Item 5160-001-890.

I am also eliminating the legislative restoration of 17 positions (16.6 PY) proposed for elimination as part of the Department of Rehabilitation's Mental Health Initiative. However, I am not eliminating the funding for the positions. Consistent with the budget I proposed, I am directing the department to redirect the \$561,000 related to the position reductions to their miscellaneous service category to meet the prevocational service needs of this client group.

I am deleting Provision 4 to conform with this action.

"4. The Department of Rehabilitation shall not eliminate any staff positions in order to implement the mental health initiative."

Finally, I am reducing the amount payable from the Federal Trust Fund (Item 5160-001-890) by an additional \$41,000 to conform with my action on that item.

Item 5160-001-890—For support of Department of Rehabilitation. I reduce this item from \$99,553,000 to \$99,453,000.

I am reducing this item by \$41,000 to reflect the elimination of the cost-of-living adjustment for the Supported Employment Program. This conforms with my action on Item 5160-001-001.

I am also reducing this item by \$59,000 to conform with my action on Item 5160-001-001.

Item 5160-101-001—For local assistance, Department of Rehabilitation. I reduce this item from \$63,734,000 to \$62,542,000 by reducing:

(b) 20—Habilitation Services from \$58,403,000 to \$57,211,000,

(1) 20.10 Work Activity Program from \$54,611,000 to \$53,550,000

(3) 20.40 Supported Employment from \$3,690,000 to \$3,559,000, and deleting Provisions 4, and 5.

I am reducing \$1,192,000 of a \$1,722,000 legislative augmentation. This augmentation would have provided a 3 percent cost-of-living adjustment for the Work Activity and Supported Employment Programs. This action will retain \$530,000 for a 1 percent COLA for the Work Activity Program. This is consistent with the low rate of inflation and with discretionary COLAs provided to other providers serving the same client group. This action will result in a corresponding reduction of \$41,000 in Item 5160-001-890.

I am deleting Provision 4 to correct a technical error in the budget bill.

"4. Of the funds appropriated by this item, \$150,000 shall be used for three new

Independent Living Centers. In the event that the Department of Rehabilitation does not obtain federal funds for this purpose, the \$150,000 shall be made available from existing resources."

I am, however, retaining the \$150,000 augmentation for new Independent Living Centers (ILC). These additional funds, together with the \$300,000 appropriated by Chapter 1440, Statutes of 1985, will provide funding for three new ILCs in Santa Cruz, Contra Costa, and Nevada Counties

I am also retaining Provision 6, added by the Legislature, which would require that the General Fund augmentation be reverted if Federal funds become available for this purpose.

Finally, I am deleting Provision 5 which would require that \$147,000 be used to fund staff to provide program coordination services to the blind

"5. Of the amount appropriated in category (a), \$147,000 shall be used to staff two professionals and two clericals in Northern and Southern California for services for the blind"

Due to a technical error, this provision was incorrectly placed in the local assistance item rather than the support Item 5160-001-001. Further, in Item 5160-001-001 I am directing the Department of Rehabilitation to use the remaining \$74,000 to fund two positions for coordination services to the blind

Item 5160-490—Reappropriation, Department of Rehabilitation I eliminate this item.

I am eliminating this item, added by the Legislature, which reappropriates the unexpended balances of the appropriations provided by Chapter 120, Statutes of 1984, and Item 5160-101-001 of the Budget Act of 1985.

This item was added to the budget bill to provide funding for special costs for work activity providers. I am eliminating this item because adequate funding for the Work Activity Program has been provided in Item 5160-101-001. To provide this rate adjustment would, I believe, contradict the intent of Chapter 135, Statutes of 1984, which froze rates for existing work activity providers through July 1, 1988

Item 5180-151-001—For local assistance, Department of Social Services. I reduce this item from \$432,338,000 to \$423,338,000 by reducing:

(b) 20.35—Specialized Adult Services from \$424,859,000 to \$416,009,000,

(b) (1) 20.35.220—In-Home Supportive Services from \$419,163,000 to \$410,313,000,

(d) 20.42—Adoptions from \$20,964,000 to \$20,814,000, and deleting Provision 15

I am eliminating a legislative augmentation of \$8,850,000. This augmentation includes: (a) \$6,100,000 as backfill for Federal Fiscal Year (FFY) 1986 Gramm-Rudman-Hollings Act (GRH) reductions and (b) \$2,750,000 in technical overbudgeting of General Fund for the In-Home Supportive Services Program. While I did provide replacement funding for the FFY 86 GRH reduction to this program during 1985-86 due to the fact that the GRH reduction occurred very late in the State's last fiscal year, I stated that for 1986-87 there was sufficient time for program planning to accommodate these lost federal dollars.

I am also eliminating a \$150,000 legislative augmentation for increased funding to private adoption agencies for special needs children adoption services. The Budget Act appropriation for this purpose (\$152,000) has been sufficient to fully fund private adoption agencies' services since the 1980-81 fiscal year. As such, the augmentation for increased caseload is not necessary.

In addition, I am deleting Provision 15 which authorizes the transfer of Child Welfare Services (CWS) funds to and from the County Services Block Grant (CSBG) Programs. Because the CWS Program is fully funded, I believe this language is no longer necessary. However, I do recognize that some counties may be adversely impacted without some flexibility to transfer CWS and CSBG funds to continue to support current program levels. Therefore, I am instructing the Department to utilize the process contained in Section 6.50 of this Act to request transfer authority for any county, not to exceed the amount transferred in 1985-86. Transfers should only be approved as long as the county certifies that it has achieved an appropriate level of performance in the delivery of Child Welfare Services.

"15. It is the intent of the Legislature to provide counties with sufficient flexibility

to manage their social services program efficiently. Furthermore, it is the intent of the Legislature that the funds appropriated for Child Welfare Services and the County Services Block Grant be utilized by county welfare departments in a manner which maximizes the provision of social services at the county level in the most cost-effective manner possible.

A county may transfer funds between Child Welfare Services and other county social services as long as the county certifies that it has achieved an appropriate level of performance in the delivery of Child Welfare Services. The county shall demonstrate its level of performance by completing and passing a county-conducted case review in accordance with instructions provided by the department.

To accomplish this transfer, the county shall notify the Director of Social Services in writing of its intent to fund CWS at a different level than included in the allocation plan. The notification shall include the amount of the proposed transfer and an identification of the purposes for which the funds will be used.

If the total amount of transfers from the counties is different from the amount appropriated by this act, the department shall notify the Department of Finance.

The Director of Finance may authorize the transfer of funds between those appropriated for CWS and those appropriated for In-Home Supportive Services (IHSS) administration, information and referral, and adult and optional services no sooner than 30 days after written notification to the chairperson of the fiscal committee of each house and the Chairperson of the Joint Legislative Budget Committee. The notification shall include (1) the amount of proposed transfer; and (2) an identification of the purposes for which the funds will be used.

Item 5180-181-001—For local assistance, Department of Social Services. I reduce this item from \$221,308,000 to \$199,580,000 by reducing.

(b) 20—Social Services Program (for transfer to Item 5180-151-001) from \$14,728,000 to \$4,162,000,

(c) 10.04.005—Aid to Families with Dependent Children (for transfer to Item 5180-101-001) from \$202,906,000 to \$188,484,000,

(e) Amount payable from the Federal Trust Fund (Item 5180-181-890) from -\$125,154,000 to -\$121,894,000,

and deleting Provisions 1 and 3.

I am reducing this item by \$10,566,000 for the In-Home Supportive Services (IHSS) Program cost-of-living adjustment (COLA) for service providers. This will maintain \$3,523,000 which equates to a one percent discretionary COLA for this program. This program has increased by approximately \$60 million (1985-86 appropriation of \$35.4 million General Fund to 1986-87 proposed \$94.9 million General Fund) in the last year. This represents a program growth of 168 percent. Considering this program growth, the reduced inflationary pressures, and the State's increasing fiscal burden, I believe this is an appropriate level of COLA for this program.

In order to conform with the IHSS COLA action, I am deleting Provision 3.

"3. Funds appropriated by this item are to be used for an IHSS COLA as follows:

(a) 3.2 percent so as to maintain the wage levels of IHSS providers, and (b) 0.8 percent so as to improve the level of compensation for IHSS providers and insure that an adequate number of providers are available."

I am also reducing \$11,162,000 from this item and \$3,260,000 from the Federal Trust Fund (Item 5180-181-890) for the Foster Care Program cost-of-living adjustment increase. This action will maintain \$898,000 in this item and \$442,000 in the Federal Trust Fund which is sufficient funds to provide a one percent COLA for Foster Family Homes. Reimbursements for Foster Family Home providers are based on a schedule established by regulations and, therefore, do not necessarily reflect the cost of shelter and care provided by Foster Parents. As such, I believe it is appropriate to provide a COLA only to Foster Family Homes. In addition, I am deleting Provision 1 in this item, because it is my intent to provide a full one percent COLA to

all Foster Family Homes in the State.

"1. For fiscal year 1986-87, funds appropriated by this item shall be used to grant each foster child residing in a foster family home a full AFDC cost-of-living adjustment as provided by this act."

Item 5180-181-890—For local assistance, Department of Social Services. I reduce this item from \$125,154,000 to \$121,894,000.

I am reducing this item by \$3,260,000 to conform with action taken in Item 5180-181-001 which would allow for a cost-of-living adjustment of one percent to the Foster Family Homes. This action reduces the amount payable from this item to Item 5180-181-001

Item 5240-001-001—For support of Department of Corrections I reduce this item from \$1,138,122,000 to \$1,137,622,000 by reducing:

(a) 21—Institution Program from \$1,098,788,000 to \$1,097,052,000 and,

(h) Amount payable from 1984 Prison Construction Fund (Item 5240-001-724) from -\$7,236,000 to -\$6,000,000.

I am reducing \$200,000 of a \$314,000 legislative augmentation for an expansion of the contract with the Friends Outside organization. I recognize the valuable services this organization provides inmates and their families, and the \$114,000 which I have approved will permit the expansion of its services to institutions not now served by the program. Friends Outside can continue to utilize private sector grants to supplement State support in achieving its program objectives.

I am eliminating the legislative augmentation of \$300,000 and 3 positions for an AIDS-related staff training and development program because existing resources in the Medical Services Unit currently are handling and can continue to handle this function. I am deleting Provision 7 to conform to this action

"7 Of the amounts appropriated in this item, \$300,000 shall be used to provide AIDS-related staff training and development for Department of Corrections personnel."

I am reducing \$1,236,000 from the amount payable from the 1984 Prison Construction Fund to correspond to Item 5240-001-724.

Item 5240-001-724—For support of Department of Corrections. I reduce this item from \$7,236,000 to \$6,000,000.

I am reducing \$1,236,000 for recurring maintenance and special repairs. After thoroughly reviewing its needs and prioritizing projects, the department has determined that its most essential needs can be met with the \$6,000,000 remaining in the budget. This reduces the amount payable from this item to Item 5240-001-001.

Item 5240-012-001—For a study of inmate-to-staff ratios, Department of Corrections. I delete Provision 1.

I am deleting Provision 1

"1. Funds appropriated by this item shall be used to contract with the National Council on Crime and Delinquency for a study of institution staffing. The contract shall specify that the study shall be presented to the Legislature by December 1, 1986, and that it should include an analysis of post assignments of at least five institutions "

I concur with the Legislature that a study is needed because of the many uncertainties that currently exist in determining staffing levels for the various correctional institutions. However, designating one organization to perform the study is inappropriate; and I believe that the competitive bid process should be followed

Item 5240-301-724—For capital outlay, Department of Corrections. I reduce this item from \$9,379,000 to \$9,179,000 by eliminating:

(15) 61.19.020 861—Northern California Women's Facility—Arch Road Improvement, \$200,000,

and deleting Provision 2.

I am eliminating the \$200,000 legislative augmentation for Arch Road improvements related to the Northern California Women's Facility in San Joaquin County. The Environmental Impact Report for this new prison did not indicate a need for the proposed curbs, gutters and pavement widening and higher priority needs exist for the 1984 Prison Construction Fund

To correspond to this action, I am deleting Provision 2 which states:

"2. Funds appropriated in category (15) are for construction of curbs, gutters, and pavement widening and are in augmentation of Chapter 258 of the Statutes of 1984, Item 5240-311-724 (15), as reappropriated by Item 5240-491 of Chapter 111 of the Statutes of 1985. Pursuant to that item, the funds are available for encumbrance until June 30, 1987, for the purposes specified in Provision 2."

Item 5450-001-001—For support of Youthful Offender Parole Board, Program 10. I delete Provision 1.

Provision 1 contains restrictive control language which is inappropriate and unnecessary. I believe the existing procedures of the Office of Administrative Law provide sufficient review for such regulation changes. Therefore, I am deleting Provision 1.

"1. Notwithstanding any other provision of law, the Youthful Offender Parole Board shall not implement new regulations to increase parole consideration dates for the Department of the Youth Authority wards until 30 days after submission of the department's report on options for ward population management to the appropriate legislative fiscal and policy committees and the Chairperson of the Joint Legislative Budget Committee."

Item 5460-001-001—For support of Department of the Youth Authority. I reduce this item from \$254,369,000 to \$254,277,000 by reducing:

(b) 20—Institutions and Camps from \$236,971,600 to \$236,879,600

I am eliminating the \$92,000 legislative augmentation for a Centerforce visitor center pilot project at the Northern California Youth Center. While Centerforce has been providing essential visitor services for the adult correctional facilities, the Youth Authority has developed a visiting program that appears to fit the needs of its wards at this time

Item 6100-001-001—For support of Department of Education. I reduce this item from \$37,995,000 to \$36,645,000 by reducing:

(b) 20—Instructional Support from \$30,137,000 to \$29,637,000, and by eliminating:

(i) 97.20—Unallocated \$850,000, and deleting Provision 13.

I am eliminating a \$500,000 legislative augmentation for a comprehensive study of the reasons students drop out of school. I believe that sufficient information on the subject is already available from completed studies and that an additional study would provide little new information. Recent dropout reports have been prepared by the University of California at Berkeley, the State Department of Education, the Assembly Office of Research and various California school districts showing that students leave school primarily for reasons such as poor grades, the desire or need to work, pregnancy, family problems, and alienation from school. Additional data will also be reported by the 200 schools participating in dropout prevention and recovery programs established by Chapter 1431, Statutes of 1985. My budget includes \$14 million to fund the Chapter 1431 dropout prevention and recovery programs for 1986-87. Of this amount, \$400,000 is available to the Department of Education for administrative activities including a review of the effectiveness of Chapter 1431 implementation.

I am also reducing \$850,000 from this item to eliminate the augmentation for merit salary adjustments which can be funded through existing resources, and for operating cost increases due to a reduction in the inflation rate

I also believe Provision 13 of this item is unnecessary. The Departments of Education and Health Services already are jointly developing regulations and guidelines for use by schools in treating school children affected with AIDS and in educating pupils about AIDS. I have seen nothing to suggest that this cooperative effort will not succeed without Budget Act language. Therefore, I am deleting Provision 13:

"13. The State Department of Education and the State Department of Health Services shall jointly develop and implement regulations and guidelines (1) concerning the treatment of children affected with AIDS attending California schools and (2) AIDS education for school children."

Item 6100-006-001—For support of Department of Education. I reduce this item from \$39,530,000 to \$39,085,000 by reducing:

(a) Instruction from \$43,493,000 to \$43,048,000.

I am reducing the \$258,000 for merit salary adjustments that can be funded through existing resources, and \$187,000 in operating cost increases due to a reduction in the inflation rate.

Item 6100-007-001—For support of Department of Education I reduce this item from \$529,000 to \$429,000.

I am reducing this item by \$100,000 as a technical budget adjustment to reflect declining enrollment at the State Special Schools. The \$429,000 remaining in this item after my reduction fully funds the statutory level of funding for transportation costs of residential pupils

Item 6100-011-001—For support of Department of Education, State Library. I reduce this item from \$10,669,000 to \$10,521,000 by reducing:

(a) 50—Library Services from \$12,048,000 to \$11,900,000.

I am reducing the \$38,000 for merit salary adjustments that can be funded through existing resources, and \$110,000 in operating cost increases due to a reduction in the inflation rate.

Item 6100-101-001—For local assistance, Department of Education.

I delete Provision 14 and revise Provision 18.

Provision 14 would authorize the Superintendent of Public Instruction to reallocate any unexpended balance of funds appropriated for supplemental summer school to fund hours of instruction for districts that exceed their 5 percent funding cap. My budget contains \$47.4 million to fund the statutory formula for supplemental Summer school which limits each district's entitlement to 5 percent of its prior year enrollment. I do not believe districts that have chosen to exceed this cap should receive additional State funding. This would lead to inequitable funding among districts because of local district policy decisions. I believe this language will also lead to increased demand to fund all hours of instruction above the 5 percent cap. Therefore, I am deleting Provision 14.

"14. The Superintendent of Public Instruction may reallocate the unexpended balance, if any, of the funds appropriated in schedule (f) of this item to fully fund hours of instruction provided by a school district to secondary students in summer school programs authorized by paragraph (2) of subdivision (d) of Section 42239 of the Education Code that exceed the maximum number of hours for which a school district is eligible for reimbursement.

In no event shall any school district receive reimbursement pursuant to this provision for pupil attendance in summer school programs exceeding an amount equal to 10 percent of the district's total enrollment for the prior fiscal year times 120 hours, times the hourly rate for the current fiscal year."

Provision 18 expresses legislative intent to provide additional funding for school district apportionments in the event of an increase in the employer contribution rate to the Public Employees' Retirement System.

Signing the budget with language of this kind included may be interpreted by some members of the Legislature as my agreement with the legislative intent and may be viewed as a commitment on the part of this Administration to fund future increases in PERS rates. I believe decisions about the funding of the operating expenses of government, including employee contributions to employee retirement systems, should be made on a year-to-year basis. Committing the State to fund future school district operating expenses, with no consideration of other funding sources that may be available to school districts in the future, clearly is inappropriate. Therefore, I am revising Provision 18.

"18. Notwithstanding any other provision of law, in addition to the reduction made pursuant to Provision 6 of this item, the county superintendent shall reduce the total revenue limit computed pursuant to Section 42238 of the Education Code by the amount of the decreased employer contributions to the Public Employees' Retirement System resulting from the applicable employer contribution rate reduction made subsequent to January 1, 1986.

The reduction shall be calculated as follows.

- (a) Determine the amount of employer contributions which would have been made in the 1986-87 fiscal year if the applicable Public Employees' Retirement System employer contribution rate in effect immediately prior to the reduction made subsequent to January 1, 1986, were in effect during the 1985-86 fiscal year.
- (b) Subtract from the amount determined in paragraph (a) the greater of subparagraph (1) or (2) below.
 - (1) The amount of employer contributions which would have been made in the 1986-87 fiscal year if the applicable Public Employees' Retirement System employer contribution rate in effect immediately after the applicable rate reduction made subsequent to January 1, 1986, were in effect during the 1986-87 fiscal year.
 - (2) The actual amount of employer contributions made to the Public Employees' Retirement System in the 1986-87 fiscal year.
- (c) For purposes of this provision, employer contributions to the Public Employees' Retirement System for any of the following shall be excluded from the calculation specified above:
 - (1) Positions supported entirely by federal funds which were subject to supplanting restrictions
 - (2) Positions supported by funds received pursuant to Section 42243.6 of the Education Code
 - (3) Positions supported, to the extent of employer contributions not exceeding \$25,000 by any single educational agency, from a revenue source determined on the basis of equity to be properly excludable from the provisions of this subdivision by the Superintendent of Public Instruction with the approval of the Director of Finance.
- (d) For accounting purposes, the reduction made by this provision may be reflected as an expenditure from appropriate sources of revenue as directed by the Superintendent of Public Instruction
- ~~(e) It is the intent of the Legislature to provide additional funding for school district apportionments in the event of an increase in the employer contribution rate to the Public Employees' Retirement System.~~

Item 6100-106-001—For local assistance, Department of Education. I reduce this item from \$93,644,000 to \$91,444,000. I am eliminating the \$2,200,000 legislative augmentation for juvenile court school equalization. During the last legislative session, I vetoed SB 323 which would have implemented equalization for juvenile court school programs. I believe the budget provides sufficient funds to address this need.

Item 6100-114-001—For local assistance, Department of Education. I reduce this item from \$278,556,000 to \$256,681,000.

I am eliminating the \$21,875,000 legislative augmentation for increased claims for court-ordered desegregation programs. I believe \$256,681,000 is sufficient to reimburse 1985-86 and 1986-87 approved costs of these programs pursuant to the reimbursement formula enacted in Chapter 180, Statutes of 1985. It is my intention to fund approved claims in accordance with existing statute. Therefore, the 1986-87 claims, to be filed with the State Controller's Office by November 30, 1986, will be carefully reviewed during preparation of the 1987-88 budget. If warranted, I will recommend additional funding for this item.

Item 6100-115-001—For local assistance, Department of Education. I reduce this item from \$97,593,000 to \$80,135,000.

I am eliminating the \$17,458,000 legislative augmentation for increased claims for voluntary desegregation programs. I believe \$80,135,000 is sufficient to reimburse 1985-86 and 1986-87 approved costs of these programs pursuant to the reimbursement formula enacted in Chapter 180, Statutes of 1985. It is my intention to fund approved claims in accordance with existing statute. Therefore, the 1986-87 claims, to be filed with the State Controller's Office by November 30, 1986, will be carefully reviewed during preparation of the 1987-88 budget. If warranted, I will recommend additional funding for this item.

Item 6100-116-001—For local assistance, School Improvement Program. I reduce this item from \$223,331,000 to \$214,531,000 by reducing

(a) 20.60.030.010 (K-6) \$190,183,000 to \$182,383,000, by eliminating:

(c) 20.60.040—Parental Involvement Programs \$1,000,000, and by deleting Provision 5.

I am eliminating the \$7,800,000 legislative augmentation for enrollment growth in the School Improvement Program in grades K-6. Current statutes do not require that funds be provided for growth in participating schools, thus, there is no assurance that schools experiencing growth would receive any of these funds. However, I am providing \$192.4 million (including COLA) for this program in 1986-87, which represents a 5.49 percent or \$10 million increase over 1985-86, to serve in excess of 90 percent of all pupils in grades K-6.

I am also eliminating the \$1,000,000 legislative augmentation for a parental involvement grants program. This program is being proposed in AB 336 I believe that the funding for this program should also be considered in the legislation.

Consistent with this reduction, I am deleting Provision 5:

"5. Of the funds appropriated in this item, the Superintendent of Public Instruction shall allocate \$1,000,000 to local school districts for parental involvement programs. These funds shall be allocated only after the submission of a plan from the State Department of Education, subject to the approval of the Director of Finance, provided that such expenditure shall not be authorized sooner than 30 days after notification to the Joint Legislative Budget Committee, or not sooner than whatever less time the chairperson of the joint committee, or his or her designee, may determine."

Item 6100-118-001—For local assistance, Department of Education. I reduce this item from \$550,000 to \$500,000

I am eliminating the \$50,000 legislative augmentation for the California Association of Student Councils made to assist this organization in retiring its debt. While I support the activities of such student organizations, I believe it is inappropriate for the State to assist in retiring the debt of this organization because this is a private, nonprofit organization which has no fiscal or programmatic relationship with the State. To provide funds because of the organization's fiscal problems would establish a precedent for all such organizations experiencing fiscal difficulties.

Item 6100-119-001—For local assistance, Department of Education. I am making a technical revision to Provision 2 of this item to conform with my action on the cost-of-living adjustments, Item 6100-226-001

I am revising Provision 2 as follows:

"2. Pursuant to subdivision (b) of Section 903.7 of the Welfare and Institutions Code, the Department of Social Services shall authorize the quarterly transfer of the State share of collections attributable to Sections 903, 903.4 and 903.5 of the Welfare and Institutions Code to the Foster Children and Parent Training Fund. From these collections, and prior to any transfer of funds, there shall be a deduction for the appropriate amount of county child support collection incentives. Notwithstanding the provisions of subdivision (c) of Section 903.7 of the Welfare and Institutions Code, if sufficient moneys are available in the Foster Children and Parent Training Fund, up to \$1,000,000 shall be transferred from the Foster Children and Parent Training Fund to the unappropriated balance of the General Fund in reimbursement for expenditures made for the Foster Parent Training Program from appropriations of \$900,000 of category (b) of Item 6870-101-001 and \$100,000 contained in Item 6870-001-001 of this act. Any remaining funds in the Foster Children and Parent Training Fund shall be transferred to the unappropriated balance of the General Fund in reimbursement for expenditures made for the Foster Youth Services Program from the appropriation of \$813,000 of category (a) of Item 6100-119-001 and ~~\$26,000~~ \$8,000 for a cost-of-living increase from category (m) of Item 6100-226-001 of this act."

Item 6100-124-001—For local assistance, Gifted and Talented Education. I reduce this item from \$23,034,000 to \$20,034,000 and delete Provisions 2 and 3.

I am eliminating the \$3,000,000 legislative augmentation to increase the participation of underrepresented minority students in the Gifted and Talented Education

Program and to expand the program to new districts. The same provisions and the necessary funding are being proposed in AB 1232. I believe that this augmentation should continue to be considered in that legislation

I am also deleting Provisions 2 and 3 to conform with this action.

"2 Notwithstanding any other provision of law, \$2,000,000 of the funds appropriated in this item shall be allocated as follows:

- a. For identification and to serve first year costs of new districts, currently on the waiting list for GATE program participation who have identified or intend to identify and serve significant numbers of minority, linguistically diverse, or culturally disadvantaged pupils.
- b. For districts with an existing GATE program, but enrolling fewer than a proportional number of minority, linguistically diverse, or culturally disadvantaged pupils for the purposes of increasing the enrollment of these students toward at least a proportional number
- c. For excess costs of exemplary programs serving minority, linguistically diverse, or culturally disadvantaged GATE pupils (in addition to non-minority students).

"3. Notwithstanding any other provision of law, of the funds appropriated in this item, \$1,000,000 shall be allocated for the establishment of GATE programs in districts currently on the SDE waiting list, and the expansion of service to students in existing programs "

Item 6100-156-001—For local assistance, Department of Education. I reduce this item from \$202,608,000 to \$202,119,000 and revise Provision 5.

I am reducing the legislative augmentation of \$978,000 for additional growth in adult education average daily attendance (ADA) by \$489,000. Consistent with this action, I am also revising Provision 5 of Item 6100-156-001 to specify that \$689,000 shall be used to fund high-priority needs in adult education.

"5 Of the funds appropriated by this item, ~~\$1,178,000~~ \$689,000 shall be used to fund high-priority needs in adult education. The Superintendent of Public Instruction shall develop criteria to identify districts with high-priority needs, and shall allocate these funds in accordance with such criteria. The superintendent may not use these funds to increase adult education block entitlements."

The funds remaining in the budget after this reduction will provide \$4.4 million, for a 2.25 percent ADA growth rate. Of this amount, 1.9 percent, or \$3.7 million, will become part of districts' ongoing entitlements for funding and \$689,000 will be available for allocation by the Superintendent for high priority programs including classes in English-as-a-second language and basic skills and remedial education for recipients of the Greater Avenues for Independence (GAIN) program. In total, this budget provides a \$17.2 million, or 8.7 percent increase above the 1985-86 level of funding for the Adult Education program.

Item 6100-161-001—For local assistance, Department of Education. I delete Provision 21.

I am deleting Provision 21, which would provide a special allocation of \$150,000 to the Riverside County Office of Education for the lease of portable classrooms for its special education classes. This language would create a deficiency in the appropriation for the special education program. The language was appropriate in previous years' Budget Acts because the County Office's student housing problems could not be resolved through the existing emergency classroom allocation procedures. It now appears that this is a permanent, ongoing cost and should be funded as part of the County Office's regular entitlements for special education. To continue this funding is inequitable as circumstances. The Riverside County Office can and should submit a request to the State Allocation Board which is the agency responsible for approving the allocation of emergency classrooms.

"21. Of the funds appropriated in this item, \$150,000 shall be available for allocation to the Riverside County Office of Education for the purpose of leasing portable facilities for special education classes "

Item 6100-167-001—For local assistance, Department of Education. I reduce this item from \$3,150,000 to \$3,000,000 and delete Provision 2

I am eliminating the \$150,000 legislative augmentation for the Life Lab Science Program. This program received funding of \$130,000 in each of the 1984 and 1985 Budget Acts as a pilot program. I believe it would be more appropriate for this pilot program to be thoroughly reviewed through the normal budgetary process or the legislative process to determine its effectiveness before additional General Fund support is provided. In fact, it is my understanding that there is pending legislation which would make this a permanent program. If the Legislature believes this should be a permanent program, funding for this proposal should be contained in the legislation.

I am also deleting Provision 2 to conform with this action:

"2. Of the amount appropriated in this item, \$150,000 shall be available to provide funding for the Life Lab Science Program"

Item 6100-181-001—For local assistance, Education Technology. I delete Provision 3

I am deleting Provision 3 because this provision would have required a specified level of funding for the Institute of Computer Technology, thereby limiting the flexibility to consider and prioritize all needs when budgeting for the State.

"3 The Superintendent of Public Instruction shall allocate funds appropriated in this item to the Institute of Computer Technology according to the following schedule:

ADA	Appropriation
1-10	\$245,000
11-20	255,600
21-30	266,200
31-40	276,800
41-50	287,400
51-60	298,000
61-70	308,600
71-80	319,200
81-90	329,800
91-above	340,400

The average daily attendance (ADA) as used in this provision shall be calculated in the manner that ADA is computed for the Regional Occupational Centers and Programs in Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of the Education Code "

Item 6100-183-001—For local assistance, Health and Physical Education. I reduce this item from \$1,677,000 to \$677,000, and delete Provision 4.

I am eliminating the \$1,000,000 legislative augmentation to fund school districts to train teachers to provide classroom instruction on sexually transmitted diseases, in particular AIDS. I am opposed to this augmentation because I believe the most effective and efficient approach to disseminating information on AIDS is through a cooperative effort by the Department of Health Services, the Department of Education, and local public health agencies. The AIDS prevention plan I have submitted to the Legislature, and for which I have provided \$267 million, relies upon such a cooperative effort.

I am deleting Provision 4 to conform with this action.

"4. Of the funds appropriated in this item, the Superintendent of Public Instruction shall allocate \$1,000,000 to local school districts to train teachers to provide classroom instruction on sexually transmitted diseases, including AIDS. These funds shall be allocated only after the submission of a plan from the Department of Education, subject to the approval of the Director of Finance, provided that such expenditure shall not be authorized sooner than 30 days after notification to the Joint Legislative Budget Committee, or not sooner than whatever less time the chairperson of the joint committee, or his or her designee, may determine "

Item 6100-186-001—For local assistance, Instructional Materials. I delete Provision 7.

I am deleting Provision 7 because this provision would have prohibited the pur-

chase of electronic calculators with Instructional Materials funds appropriated for grades K-8. I believe that this language would unnecessarily restrict publishers from offering, and school districts from purchasing, instructional aids as they deem necessary.

"7. Funds appropriated by this item shall not be used for the purchase of electronic calculators."

Item 6100-191-001—For local assistance, Department of Education. I reduce this item from \$91,816,000 to \$85,186,000 by reducing:

- (a) Administrator Training and Evaluation Program from \$5,020,000 to \$4,160,000,
- (b) Mentor Teacher Program from \$50,020,000 to \$45,750,000 and,
- (h) Teacher Improvement (DOE/CSU) from \$1,592,000 to \$542,000;

by eliminating:

- (j) Regional Science Resource Centers (\$450,000);

and by deleting Provision 12.

I am reducing the \$1,000,000 legislative augmentation for the Administrator Training and Evaluation Program to \$140,000. This action maintains \$4,160,000 in funding for this program, which is the level proposed in the budget. This level of funding should enable the existing eleven centers and the central institute to provide necessary training for school administrators.

I am also eliminating the \$4,270,000 legislative augmentation for the Mentor Teacher Program. The \$45,750,000 provided in the budget will provide stipends for 5 percent of the teachers to be designated as Mentors and provide sufficient resources for district support of the program.

I am also eliminating the \$1,050,000 legislative augmentation for the Teacher Improvement Joint Proposal submitted by the Department of Education and the California State University. I believe that, given the limited General Fund resources available, the \$1,250,000 provided in the budget will allow the segments involved to begin these activities and demonstrate whether additional funding is appropriate based on a required evaluation.

I am also eliminating the \$450,000 legislative augmentation for Regional Science Resource Centers. I support the concept of such science education and training opportunities for K-12 students and teachers. However, the 1986-87 Budget provides over \$10 billion in general purpose revenues, \$85.4 million for staff development and teacher training and over \$399.5 million for categorical programs that may be used for science education and teacher training in K-12 schools. I would, therefore, encourage school districts to review the training techniques being used in such centers and to provide for the emulation of these teachings in science classrooms throughout our schools. Consistent with this action, I am deleting Provision 12:

"12 Of the amount appropriated in schedule (j) of this item, \$225,000 shall be available for a grant to the Exploratorium in San Francisco and \$225,000 shall be available for a grant to a regional science resource center to be located at California State University at Northridge."

Despite the reductions, my budget contains \$85.4 million for staff development activities in 1986-87. This represents a \$72.7 million, or 571 percent increase, over funding provided in 1982-83. The augmentations made are consistent with the intent of Senate Bill 813, which initiated major reforms in the area of staff development.

Item 6100-196-001—For local assistance, Department of Education. I reduce this item from \$283,401,000 to \$283,201,000 by reducing:

- (b) 30 10.020—Child Care Services from \$283,141,000 to \$281,549,000,

(b) (1) 30.10.020.001—General Child Development Programs from \$206,441,000 to \$205,049,000,

- (b) (8) 30 10.020.008—Resource and Referral from \$7,462,000 to \$7,262,000, and

- (c) Reimbursements from -\$35,202,000 to -\$33,810,000,

and by revising Provision 8.

I am eliminating the \$200,000 legislative augmentation to provide additional Resource and Referral services to counties where the Greater Avenues for Independence (GAIN) program is being implemented. While I believe that referral services will assist GAIN families in securing needed child care, I believe that the \$7.5 million level of funding I have provided for Resource and Referral programs will meet the

needs of those counties implementing GAIN in 1986-87. Further, the Department of Education has been designated as the State agency eligible to apply for a \$440,000 federal grant which will provide funds for the planning, development and improvement of local resource and referral systems. I believe that this grant, coupled with the funds I have provided in the budget for these child care programs, will provide the resources necessary to assist all families, including those participating in GAIN programs.

Further, I am making technical revisions to subschedules (b) (1) and (c) to conform to the action that I have taken on the cost-of-living adjustments in Item 6100-226-001. The reduction of \$1,392,000 to these subschedules reflects the fact that the cost-of-living adjustment applied to reimbursements in this item will be the same as the cost-of-living adjustment being provided from the General Fund. Consistent with this action, I am revising Provision 8 as follows:

"8. Pursuant to the provisions of Section 10614 of the Welfare and Institutions Code, the Department of Social Services shall report to the Department of Finance the estimated level of child care and development expenditures made by the State Department of Education are eligible for federal reimbursement under the provisions of Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code. The Director of Finance is hereby authorized to augment the appropriation if it is determined that the estimate of expenditures eligible for reimbursement will be less than ~~\$22,702,000~~ \$31,310,000.

A corresponding reduction shall be made in the level of scheduled reimbursements. The director shall report any such augmentation to the Legislature within 10 days of its occurrence. A sufficient amount is hereby appropriated to the Director of Finance for such purposes."

I am retaining the augmentation of \$250,000 for the California Child Care Initiative, which when combined with matching funds, will generate \$1,250,000 in new child care services.

With these actions, the budget provides in excess of \$320 million from all sources of funding for Department of Education administered child care services for the 1986-87 fiscal year. This represents an increase of \$69.4 million, or 27.7 percent, above the level of funding provided for child care services during 1982-83.

Item 6100-211-001—For local assistance, State Library. I reduce this item from \$13,148,000 to \$11,498,000.

I am eliminating the \$1,650,000 legislative augmentation to expand the California Literacy Campaign to 15 new projects during 1986-87. I believe that existing projects should be fully implemented and evaluated for effectiveness prior to expanding the program. Even with this reduction, I have provided an increase of \$500,000, or 12.5 percent, over the current year to increase the level of funding for existing projects.

Item 6100-226-001—For local assistance, Department of Education. I reduce this item from \$759,229,000 to \$731,663,000 by reducing:

- (a) (1) K-12 District Revenue Limits from \$573,752,000 to \$573,484,000
- (a) (3) Small School District Transportation Aid from \$629,000 to \$199,000
- (a) (5) Apprentice Programs from \$105,000 to \$58,000
- (a) (6) Regional Occupational Centers and Programs from \$11,197,000 to \$6,118,000
- (a) (8) Transportation from \$9,035,000 to \$2,859,000
- (a) (9) Transportation, Bus Replacement from \$99,000 to \$31,000
- (b) Demonstration Programs in Reading and Mathematics from \$233,000 to \$127,000
- (c) American Indian Education Centers from \$27,000 to \$9,000
- (d) Native American Indian Education from \$11,000 to \$4,000
- (e) Economic Impact Aid from \$6,162,000 to \$1,950,000
- (i) Education Technology from \$818,000 to \$259,000
- (j) Miller-Unruh Reading from \$1,059,000 to \$579,000
- (l) Instructional Materials from \$1,182,000 to \$646,000
- (m) Foster Youth Services from \$26,000 to \$8,000
- (n) Specialized Secondary Programs from \$66,000 to \$21,000

- (a) 10—Standards for Preparation and Licensing of Teachers from \$7,682,000 to

\$7,540,000.

I am reducing \$5,000 for merit salary adjustments that can be funded through existing resources, and \$137,000 in operating cost increases due to a reduction in the inflation rate.

Item 6420-001-001—For support of California Postsecondary Education Commission. I reduce this item from \$3,771,000 to \$3,571,000 by reducing:

(a) 100000—Personal Services from \$2,561,000 to \$2,540,000.

(b) 300000—Operating Expenses and Equipment from \$1,413,000 to \$1,234,000, and deleting Provision 3.

I am reducing \$21,000 for merit salary adjustments that can be funded through existing resources, and \$22,000 in operating cost increases due to a reduction in the inflation rate.

I am eliminating the \$57,000 legislative augmentation to fund a study of higher education space standards. The University of California and the California State University have agreed to contribute \$200,000 towards a study of space standards in higher education. If additional funds are required, the segments, which are the primary beneficiaries of such a study, should be willing to provide all the necessary funds.

I am eliminating the \$50,000 legislative augmentation to fund a study by the California Postsecondary Education Commission (CPEC) on performance-based budgeting models. This study is within CPEC's scope of responsibilities and can be accomplished within existing resources.

I am deleting Provision 3 to conform with this action.

"3. Of the funds appropriated in this item, \$50,000 shall be available only for expenditure for support of the Talent Development Study upon approval of the Director of Finance, pursuant to the provisions of Section 28 00."

I am also eliminating the \$50,000 legislative augmentation for a study by CPEC of student attitudes towards their education. This study is within CPEC's scope of responsibilities and can be accomplished within existing resources.

Even after these reduced augmentations, the California Postsecondary Education Commission will have an increase of \$747,000, or 23.2 percent, above the amount available in the current year.

Item 6440-001-001—For support of University of California. I reduce this item from \$1,738,678,000 to \$1,714,691,000 by reducing:

(a) Support from \$1,720,363,000 to \$1,697,076,000, and deleting Provisions 7, 13, and 14.

I am eliminating the \$2,000,000 and 75 positions legislative augmentation for janitorial services. The need for these services is the subject of a study by a private consultant and will be reported this Fall. To conform to this action, I am deleting Provision 13.

"13. Of the funds appropriated in Schedule (a), \$1,500,000 is available for additional janitorial services. It is the intent of the Legislature that these additional services shall be performed by university employees only, and not by contract personnel."

I am also deleting the language in Provision 14 of this item. This language, which requires the University to comply with State-agency procedures for use of personal contacts, diminishes the authority and flexibility of UC to manage efficiently within available resources.

"14. The University of California shall adhere to Section 19130 of the Government Code (Standards for Use of Personal Contracts) in the same manner as other state agencies."

I am reducing \$8,600,000 for merit salary adjustments that can be funded through existing resources, and \$11,946,000 in operating cost increases due to a reduction in the inflation rate.

I am eliminating the \$1,287,000 legislative augmentation for expansion of the 4-H program for urban minority youth. The University has a public service program level of \$73 million. The cooperative extension part has a resource base of \$45 million. If the UC deems this program to be a high priority, part of the \$45 million base could be used for its support. Fiscal constraints on the State dictate that no additional funds

should be budgeted for this purpose.

I am eliminating the \$154,000 legislative augmentation for the Puente Project. No evidence has been provided that this program is an improvement over current University of California and Community College programs with similar objectives.

I am also reducing Schedule (a) by \$300,000 to correct a technical error in the enrolled Budget Bill. This action does not affect the amount appropriated in the item.

Because of the importance of research on AIDS to the public health of the State and the nation, I have proposed an increase of \$2,000,000 to the University's budget for such research. Although these funds are intended to be allocated by the University to non-profit organizations outside the University as well as to be used for University-sponsored research, I believe Provision 7, which was added by the Legislature, will result in some low-quality research projects being funded or in a significant portion of these funds being reverted to the General Fund. Given the importance of this research, either prospect is undesirable. I, therefore, am deleting Provision 7:

"7. Of the Funds appropriated in Schedule (f), \$8,200,000 shall be available only for expenditure to support research into Acquired Immune Deficiency Syndrome (AIDS) within the University of California, and a total of \$1,000,000 is available to support AIDS research conducted by non-profit organizations outside of the university. If the University AIDS Task Force is unable to use this entire \$1,000,000 amount on such nonuniversity projects, the unused amount shall revert to the General Fund."

After consideration of these reductions, I have provided for an increase of \$149,224,000 from the General Fund for operation of the University of California. This represents an increase of 9.1 percent in the University's budget.

Item 6600-001-001—For support of Hastings College of the Law I reduce this item from \$10,686,000 to \$10,553,000.

I am reducing \$60,000 for merit salary adjustments that can be funded through existing resources, and \$73,000 in operating cost increases due to a reduction in the inflation rate.

After consideration of that reduction, the Hastings College of the Law will have an increase of \$4,270,000, or 60.7 percent, above the amount expended in 1982-83 fiscal year.

Item 6610-001-001—For support of California State University I reduce this item from \$1,325,694,000 to \$1,311,452,000 by reducing.

(d) 05—Student Services from \$124,797,000 to \$124,078,000,

(e) 06—Institutional Support from \$345,113,000 to \$344,038,000,

(g) Special Adjustment-Cost-of-Living from \$164,000 to \$82,000,

(h) Provision for Allocation from —\$13,412,000 to —\$25,778,000,

and deleting Provision 9.

I am eliminating the \$719,000 and 26.6 personnel years augmented by the legislature for the learning disabled program. The budget includes \$4.2 million for this program, reflecting a 44 percent increase over the past four years. I believe it is premature to provide additional funding until the California Postsecondary Education Commission (CPEC) completes its review of services to disabled students, pursuant to the requirements of ACR 3. CPEC is charged with developing a plan to achieve specific goals geared towards the disabled student who is able to benefit from higher education, and developing a long-term funding approach which reflects actual costs for postsecondary education services to disabled students.

I am also eliminating the \$1,075,000 legislative augmentation for pilot programs designed to facilitate minority students' preparation for college and improve teacher preparation programs. I have already provided \$1,250,000 for the Department of Education (DOE) and CSU to implement these pilot programs and I believe it is premature to fund these services at a higher level until CSU and DOE have demonstrated the effectiveness of the pilot programs.

I am eliminating the \$82,000 legislative augmentation in Student Services for operating cost increases due to a significant reduction in the inflation rate. I have provided \$19.5 million to maintain Educational Opportunity Program services for

23,256 new and continuing students, including a 1 percent discretionary cost-of-living-adjustment.

I am also reducing \$6,918,000 for nonfaculty merit salary adjustments that can be funded through existing resources, and \$3,448,000 in operating cost increases due to a reduction in the inflation rate.

I am also eliminating the \$2,000,000 legislative augmentation which would have deleted the General Fund sharing in the revenues generated by the Concurrent Enrollment Program. Last year I proposed that the State should share in the additional revenue generated by students who are enrolled in courses funded primarily from the General Fund. Students who are participating in the Concurrent Enrollment Program and who pay extension fees rather than General Fund State University fees will generate an estimated \$6,700,000. By retaining a General Fund share of this revenue (\$2,000,000), CSU will still have \$4,700,000 to further supplement instructional programs.

I am also deleting Provision 9 which prohibits the use of State funds for intramural athletics and orientation to the University and library. I believe this is an infringement on CSU's statutory authority to determine the academic merits of course offerings.

"9. Effective Winter Quarter (or Spring Semester) 1987, no funds shall be appropriated for enrollment in courses for participation in intramural athletics, student orientation to the university, or student orientation to the campus library, if these courses, upon review, are determined not to be academically based. The chancellor, with the advice of the Academic Senate, shall develop guidelines, including criteria for identifying these courses. This provision shall be implemented by January 1, 1987. The chancellor shall submit a report to the Joint Legislative Budget Committee by March 30, 1987, on the guidelines, including a description of the process for developing the guidelines and a list of the courses affected."

I am also requesting CSU to disregard the broader authority which the Legislature has provided by its action of removing language which prohibited CSU as a salary setting authority from using, for employee compensation increases, monies other than what is specifically appropriated for compensation increases. I am taking this action because I do not believe it is sound fiscal policy. The Legislature did not extend this same authority to the University of California, Hastings College of the Law or to Civil Service and Related employees. If CSU decides to use this broader authority, I am asking it to report back to the Legislature for concurrence.

I am also requesting CSU to disregard Supplemental Language which declares legislative intent that administrative positions will take a proportionate share of any unallocated budget reductions or unfunded provisions. This provision constitutes an undue restriction upon CSU's statutory authority and I believe it is inappropriate to require 25 percent of any such reduction to be taken from the Instructional Program. Further, I believe that such a legislative direction may be unconstitutional as it requires CSU to make changes conditional on future Gubernatorial veto action. The language is also nebulous in that the term "unfunded provisions" does not provide sufficient specificity to permit the reductions to be reasonable.

With these changes, CSU's General Fund budget for 1986-87 has increased 7.7 percent over the current year.

Item 6610-031-001—For support of Trustees of the California State University and the California State University, for augmentation for employee compensation

I am requesting CSU to disregard the broader authority which the Legislature has provided by its action of removing language which prohibited CSU, as a salary setting authority from using, for employee compensation increases, monies other than what is specifically appropriated for compensation increases. I am taking this action because I do not believe it is sound fiscal policy. The Legislature did not extend this same authority to the University of California, Hastings College of the Law or to Civil Service and Related employees. If CSU decides to use this broader authority, I am asking it to report back to the Legislature for concurrence.

I am also requesting CSU to disregard Supplemental Language which declares legislative intent that faculty salary increases go into effect July 1, 1986 regardless of

other unsettled collecting bargaining issues. The Legislature enacted collective bargaining and the CSU faculty voted for it; including negotiation of the effective date for salary increases. The Supplemental Language contradicts the spirit and letter of the Higher Education Employer-Employee Relations Act. If the Legislature believes that the Act is inappropriate, legislation should be introduced to address the Legislature's concerns.

Item 6610-301-782—For capital outlay, Trustees of the California State University and the California State University. I delete Provision 7.

I am deleting Provision 7 because legally appropriated capital outlay funds should not be subjected to staff level approval prior to allocation for preliminary planning. In taking this action, however, I urge the California State University to strive to produce a project that is within the spirit of Provision 7 and within appropriated funds.

"7. Provided that the funds appropriated under this item for preliminary planning for Remodel Arts and Industry Building and Addition project at San Francisco shall not be allocated to the CSU system until the Chancellor's Office, the Department of Finance and the Legislative Analyst's Office have agreed on the appropriate project scope that is consistent with existing state space guidelines as applied to the disciplines to be housed in the new/remodelled facilities."

Item 6860-001-001—For support of California Maritime Academy I reduce this item from \$6,158,000 to \$6,068,000 by reducing:

(c) 30—Student Services from \$3,375,000 to \$3,285,000.

I am reducing \$43,000 for merit salary adjustments that can be funded through existing resources, and \$47,000 in operating cost increases due to a reduction in the inflation rate.

Item 6870-001-001—For support of Board of Governors of California Community Colleges. I reduce this item from \$7,463,000 to \$7,360,000 by reducing.

(a) 10—Apportionments from \$1,514,000 to \$1,501,000,

(b) 20—Special Services and Operations from \$8,201,000 to \$8,111,000,

(c) 30.01—Administration from \$3,395,000 to \$3,363,000, and

(d) 30.02—Administration-Distributed from —\$3,395,000 to —\$3,363,000

I am reducing \$58,000 for merit salary adjustments that can be funded through existing resources, and \$45,000 in operating cost increases due to a reduction in the inflation rate.

Item 6870-101-001—For local assistance, Board of Governors of California Community Colleges. I reduce this item from \$1,243,919,000 to \$1,228,407,000 by reducing

(a) 10—Apportionments from \$1,158,366,000 to \$1,158,080,000,

(b) 20.10.010—Community College Extended Opportunity Programs and Services from \$30,630,000 to \$29,299,000,

(c) 20.10.020—Disabled Students from \$29,165,000 to \$25,844,000,

(d) 20.10.050—Transfer Centers from \$2,318,000 to \$1,818,000,

(e) 20.20.020—Partial Financing of Academic Senate for California Community Colleges from \$111,000 to \$110,000,

(f) 20.30.020—Instructional Improvement from \$539,000 to \$536,000,

(g) 20.40.020—Deferred Maintenance from \$12,740,000 to \$12,670,000,

by eliminating.

(ex) 20.20.040—Staff Development \$10,000,000,

and deleting Provisions 18 and 19, and by revising Provisions 3, 4 and 12.

I am eliminating the \$200,000 legislative augmentation for district data collection related to the transfer center pilot program evaluation project. The districts already have resources designated for data collection and statistical activities. It is appropriate that the districts utilize these existing resources for the evaluation project as part of their participation in the transfer center pilot program.

I am eliminating the \$214,000 legislative augmentation for the Puente Project, which is a joint project between the University of California and the Community Colleges. The purpose of this program, which is to assist Hispanic students in transferring from community colleges to the University of California, duplicates the purposes of existing programs, such as Equal Opportunity Programs and Services

(EOPS), for which I have budgeted \$29,299,000, and the transfer center pilot program, for which I have budgeted \$1,818,000. This action conforms to the action I have taken in Item 6440-001-001.

I am eliminating the legislative augmentations of \$2,708,000 for cost-of-living adjustments in the Apportionments, Employer-Based Training, EOPS, Disabled Students, Transfer Center, Academic Senate, Instructional Improvement and Deferred Maintenance Programs. Due to the reduction in the inflation rate, I am retaining \$657,000 for a 1.0 percent cost-of-living adjustment in these programs, which is consistent with that provided for other categorical programs. I am also eliminating the \$247,000 legislative augmentation for a cost-of-living adjustment in the Apprenticeship Program. I am retaining \$297,000 for a 3.0 percent cost-of-living adjustment for this program, which is consistent with that provided for high school apprenticeship programs in Item 6100-101-001.

In accordance with the above action, I am revising Provisions 3, 4 and 12, as follows:

- "3. Of the amount appropriated in Schedule (a), up to ~~\$10,421,000~~ \$10,174,000 shall be available as necessary upon certification by the Chancellor of the California Community Colleges for the purpose of funding community college related and supplemental instruction pursuant to Section 3074 of the Labor Code as provided in Section 8153 of the Education Code. No community college district shall use funds available under this provision to offer any new or expansion of apprenticeship training program(s) unless that program(s) has been approved by the Chancellor.
- "4. Of the amount in Schedule (a), up to ~~\$3,978,000~~ \$3,939,000 may be allocated by the Chancellor for the funding of employer-based job training programs of the type funded pursuant to Provision 12 of Item 6870-101-001 of the Budget Act of 1982. These programs shall be consistent with the intent of that provision and with the criteria adopted by the Board of Governors for allocating funds under that provision.
- "12. Notwithstanding Section 8152 of the Education Code, each 60-minute hour of teaching time devoted to each indentured apprentice enrolled in and attending classes of related and supplemental instruction as provided under Section 3074 of the Labor Code shall be reimbursed at the rate of three dollars and ~~eighty-five cents (\$3.85)~~ seventy-six cents (\$3.76) per hour. For purposes of this provision, each hour of teaching time may include up to 10 minutes for passing time and breaks."

I am eliminating the \$10,000,000 legislative augmentation for staff development. The 1986-87 budget includes \$500,000 for a comprehensive study of staff development across all levels of public education, including K-12, the community colleges, the California State University and the University of California. The study, which will be directed by the California Postsecondary Education Commission, will address needs and recommend policies for State funding of staff development programs. Until the study is completed, additional funding for this purpose is inappropriate.

In accordance with this action, I am deleting Provision 18.

- "18. The amount appropriated in schedule (ex) shall be available for staff development in community colleges. The Chancellor's Office shall allocate these funds to districts on the basis of ADA and subject to the approval of the Department of Finance. In addition, funding for staff development shall be contingent upon review and approval by the Joint Legislative Budget Committee pursuant to Section 28.00."

I am eliminating the \$2,143,000 legislative augmentation for the Disabled Student Program. These funds were requested to serve additional disabled students in the community colleges. While I am supportive of this program, I believe it is critical that the Chancellor's Office provide better information on the number of students needing services and the cost of providing services. Until such information is provided, we cannot determine the need for additional funding and cannot, therefore, justify this augmentation.

I am deleting Provision 19, which would prohibit the Los Angeles Community College District from implementing reforms and receiving aid for declining enrollments until the district submits a report demonstrating that its reforms will not cause

a decline in student access.

"19. The Legislature finds and declares that there shall be a moratorium on the implementation of the Los Angeles Community College District reform plan. Further, that no funds shall be allocated to the Los Angeles Community College District for declining enrollment unless the district submits a report to the Chancellor's Office on its district reform plan, including, but not limited to, an impact assessment on student access, student enrollment, faculty displacement, reassignment, terminations, and management and a description, in detail, of the plan for layoffs, reassignment, discontinued programs in divisions, departments, and student services offices, and other management actions.

This study shall be submitted to the Chancellor's Office for its review to determine whether the proposed plan will cause a decline in student access. If the Chancellor's Office determines that there will be a decline in student access, the district will not be eligible for any declining enrollment funds pursuant to this item.

The Chancellor's Office shall certify to the Director of Finance and the Joint Legislative Budget Committee whether declining enrollment funds should be allocated to the Los Angeles Community College District."

Management of community college districts is a local responsibility. The Los Angeles Community College District is facing a severe financial crisis and must make some difficult decisions. If the Legislature believes that there should be additional oversight of local community college governing boards, then it should address its concerns through separate legislation, rather than through the Budget Act.

As a result of my actions, the total General Fund local assistance budget for community colleges for 1986-87, including this Item and Item 6870-111-001, will be \$84.3 million higher than for the current year, which is a 7.1 percent increase.

Item 6870-101-782—For local assistance, Board of Governors of California Community Colleges I revise Provision 1 of this item.

I am revising Provision 1, as follows:

"1 The amount appropriated in this item is available on a one-time basis for the purpose of providing community college districts with funds to replace instructional equipment. The Chancellor shall allocate these funds to the districts provided that any allocation would be subject to a 25 percent local match. ~~The Chancellor shall establish criteria for the waiver of the matching requirement for any district which, in his or her judgment, cannot provide matching funds without financial hardship. The Chancellor shall consult with the Department of Finance, and prior to granting the initial waivers, shall obtain the approval of the Director of Finance on the criteria.~~"

Community college districts have historically allocated a portion of their apportionments funding for instructional equipment and it is appropriate that the districts maintain this effort. With maintenance of district efforts, the additional State funding will enable districts to quadruple their resources for instructional equipment. This incentive should encourage districts to maximize funding for this high priority item.

Item 6870-101-909—For local assistance, Board of Governors of the California Community Colleges. I reduce this item from \$723,000 to \$720,000, and revise language in Provision 1.

I am eliminating the legislative augmentation of \$3,000 for a cost-of-living adjustment in the Instructional Improvement Program. I am retaining \$3,000 for a 10 percent cost-of-living adjustment in this program, which is consistent with that provided for other categorical programs. The conforming action will also be reflected in nonbudget act Item 6870-601-909. Consistent with this action, I am revising Provision 1 as follows:

"1. Of the amount appropriated by this item, not more than ~~\$539,000~~ \$536,000 shall be allocated for grants and not more than \$184,000 shall be allocated for loans."

Item 6870-111-001—For local assistance, Board of Governors of California Com-

munity Colleges. I revise Provision 1 of this item.

As I have committed in prior messages, I am retaining this \$21,000,000 for assessment, counseling, placement and follow-up. I support the implementation of services aimed at ensuring the success of students in community colleges. The Commission for the Review of the Master Plan for Higher Education has reviewed and endorsed the need for these services. It is now time to begin implementation. As part of the plan that the Chancellor's Office will be developing and the Department of Finance approving for this new program, I will be expecting that this plan will incorporate the necessary changes to implement the Commission's recommendations concerning access, success, remediation and evaluation. These recommendations combine open access with clearly defined academic standards, as well as strengthen current probation and dismissal standards for students; require the assessment, counseling, placement and follow-up program be mandatory; require enrollment in remedial courses be mandated based on this program; require the establishment of a limit to the number of units of remedial coursework a student may take; and require an evaluation of the effectiveness of this program.

I am revising Provision 1 by eliminating the language which requires the Joint Legislative Budget Committee to approve the plan for allocating this funding, pursuant to Section 28.00 of the Budget Act. I believe this is an inadvertent technical error. Section 28.00 is a finely tuned, carefully crafted control section which recognizes the separation of powers between the Executive and Legislative branches of State Government. The retention of the approval language in this item would contravene that Section.

"1 The amount appropriated in this item is available for assessment and counseling programs known as matriculation. This amount shall be allocated to districts based upon a plan developed by the Chancellor's Office and approved by the Department of Finance. Funding for the Chancellor's Office Plan shall be contingent upon its review ~~and approval~~ by the Joint Legislative Budget Committee pursuant to Section 28.00."

Item 6870-301-782—For capital outlay, Board of Governors of the California Community Colleges. I reduce this item from \$41,681,000 to \$32,731,000 by eliminating the Los Angeles Mission College project:

Los Angeles Mission College

(19) 40.76.404—Construct instruction and administration building, \$8,950,000.

I am eliminating this project because the Los Angeles Community College District is experiencing declining enrollment and major capital expansions may not be a prudent course of action at this time. Recent local developments further suggest that the district may, in fact, need to dispose of the Mission College site.

Item 7980-001-001—For support of Student Aid Commission. I reduce this item from \$6,425,000 to \$6,276,000 by reducing:

(a) Personal Services from \$7,218,000 to \$7,069,000,

(b) Operating Expenses and Equipment from \$17,812,000 to \$17,737,000, and

(d) Amount payable from the State Guaranteed Loan Reserve Fund (Item 7980-001-951) from -\$18,411,000 to -\$18,336,000.

I am reducing \$71,000 for merit salary adjustments that can be funded through existing resources, and \$78,000 in operating cost increases due to a reduction in the inflation rate.

I am also reducing both categories (b) and (d) by \$75,000 for the student indebtedness study directed by ACR 133 of the 1985-86 Regular Session to conform to my action on Item 7980-001-951.

Item 7980-001-951—For support of Student Aid Commission. I reduce this item from \$18,411,000 to \$18,336,000 and revise Provision 1.

I am reducing this Item by \$75,000 to eliminate funds for conducting the student indebtedness study directed by ACR 133, 1985-86 Regular Session. Student indebtedness has already been documented both nationwide and in California so I question the value of further study. Moreover, the source of funding for this proposal comes from the indebted students themselves (the borrowers under the Guaranteed Loan Program). These funds should be conserved for their intended purpose. Consistent with this action, I am revising Provision 1 as follows:

- "1. The funds appropriated in this item are for the following:
- | | |
|--|--------------------|
| (a) State Guaranteed Student Loan Program..... | 79,000 |
| (b) State Guaranteed Student Loan Program, for purposes of Chapter 1201, Statutes of 1977 | 18,257,000 |
| (c) State Guaranteed Student Loan Program, for purposes of conducting the student indebtedness study in accordance with Assembly Concurrent Resolution 133 of the 1985/86 Regular Session | 75,000" |

Item 7980-101-001—For local assistance, Student Aid Commission. I reduce this item from \$113,175,000 to \$112,314,000 by reducing:

- (f) Bilingual Teacher Grants from \$2,547,000 to \$1,711,000,
 (g) California Student Opportunity and Access Program from \$522,000 to \$497,000

I am reducing \$836,000 of the legislative augmentation for the Bilingual Teacher Grant Program. This program has not been effective. Despite its five years of operation, there is a shortage of almost 9,000 bilingual teachers in the State. The Student Aid Commission reports that the program needs to be revised. The Office of the Legislative Analyst also has been critical of this program. I am retaining \$1,711,000 for this program in the budget so that all students who are currently receiving a bilingual grant and wish to renew it for the 1986-87 academic year may do so. No existing recipient will be deprived of continuing financial aid. Furthermore, this budget provides \$1,470,000 for 1,000 new Cal Grant B awards so students that formerly applied for first time bilingual grants will continue to qualify for State aid.

I am also eliminating the \$25,000 legislative augmentation for the Student Opportunity and Access Program (CALSOAP).

Furthermore, I believe that the outreach activities, including counseling, that are part of CALSOAP are a proper function of educational institutions. The Student Aid Commission has no particular expertise in these areas. Both the University and the State University systems have ongoing outreach programs and I provided a \$500,000 augmentation for the University for 1986-87 for these purposes. The most effective way to increase accessibility and to make postsecondary educational opportunities available to low-income and ethnic minority students is through institutional information and recruiting programs.

Item 8100-101-001—For local assistance, Office of Criminal Justice Planning. I reduce this item from \$23,387,000 to \$22,787,000 by eliminating:

- (gg) 50.41.050—National Center for Hyperactive Children \$100,000, and by reducing:

(k) 50.61.020—Child Sexual Abuse Prevention and Training from \$1,392,000 to \$892,000,

and deleting Provision 5.

I am eliminating the \$100,000 legislative augmentation for the National Center for Hyperactive Children program. This program provides delinquency intervention services for high-risk, anti-social boys in the Los Angeles area. I have funded several programs to provide statewide delinquency intervention services, such as (1) the three-year pilot project with the Department of Justice and the Department of Education to study the correlation between hyperactivity and juvenile delinquency; (2) the prevention programs in the Department of the Youth Authority to reduce the probability of at-risk youths from committing illegal acts; and (3) the Primary Prevention Projects in the Department of Mental Health which are designed for the early detection and prevention of emotional, behavioral, and learning problems in primary grade children.

I am also eliminating the \$500,000 legislative augmentation for a child sexual abuse treatment program in the International Center for the Extended Family. I have provided \$1.1 million in the Office of Criminal Justice Planning for child sexual abuse programs, including \$700,000 to continue the current level of state funding for the International Center for the Extended Family in San Jose and a comparable agency in Southern California which trains service providers. I am deleting Provision 5 to conform with this action.

- "5. Of the amount in Schedule (k), \$500,000 is for allocation to the International Center for the Extended Family. None of these funds may be expended

sooner than 30 days after notification in writing by the Director of Finance of the receipt thereof, including a program expenditure plan, to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may in each instance determine."

Item 8100-101-014—For local assistance, Office of Criminal Justice Planning. I eliminate this item and delete Provisions 1 and 2.

I am eliminating this item of \$1,150,000 because, while training and enforcement programs for the toxics area are important, all aspects of the toxics program should be part of an organized, coordinated effort and not a piecemeal approach.

I am deleting Provisions 1 and 2 to conform with this action.

"1. Of the amount appropriated in this item, \$400,000 shall be for a contract with the California District Attorney's Association for the purpose of training district attorneys and investigative personnel on toxics enforcement matters."

"2. Of the amount appropriated in this item, \$750,000 shall be for the purpose of funding five toxics enforcement pilot programs in different counties."

Item 8100-101-425—For local assistance, Office of Criminal Justice Planning I reduce this item from \$11,937,000 to \$11,720,000 by reducing:

(b) 50.21.020—Rape Crisis Program from \$3,092,000 to \$2,875,000 and deleting Provision 2.

I am eliminating the \$217,000 legislative augmentation for additional support to rape crisis centers. The total funds awarded by the State for the rape crisis centers will increase from \$3,200,000 for 1985-86 to \$4,596,000 for 1986-87, a 44 percent increase. Further, the projected balance in the Victim/Witness Assistance Fund is minimal and should be maintained due to fluctuating revenues. I am deleting Provision 2 to conform with this action.

"2 Of the \$217,000 augmentation appropriated in Schedule (b), none of these funds shall be used to support the four rape crisis centers that are scheduled to receive extraordinary grants in the 1986-87 fiscal year."

Item 8180-101-001—For local assistance, payment to counties for the costs of homicide trials. I reduce this item from \$2,106,000 to \$2,000,000

I am eliminating the \$106,000 legislative augmentation for county homicide trial costs. There are sufficient funds available to pay for homicide trial costs for those counties which are reimbursable under current law, as amended by Chapter 32, Statutes of 1986. Funding of homicide trial costs to those counties which are not reimbursable under current law would serve no useful purpose because there is no authority to expend such funds

Item 8260-101-001—For local assistance, California Arts Council. I reduce this item from \$10,335,000 to \$10,000,000 by reducing

(b) 20—Organizational Grants from \$6,474,700 to \$6,310,700,

(c) 25—Performing Arts Touring/Presenting Program from \$668,000 to \$597,000,

(d) 40—Statewide Projects from \$1,750,000 to \$1,650,000,

and deleting Provision 2.

I am reducing \$335,000 from the legislative augmentation of \$983,000 for the local assistance, grants and subventions for the California Arts Council. I have retained \$648,000, which is a 7 percent increase above my original budget. This will provide a \$336,000 increase to the Multi-Cultural Art Development Program and \$312,000 to the Performing Arts Touring/Presenting Program.

In line with my action on this item, I am deleting Provision 2.

"2. Of the amount appropriated for Program 20.40 (Support to Prominent Organizations), up to \$250,000 shall be available for expenditure on Program 20.70 (Multi-Cultural Arts Development) on a dollar-for-dollar basis if funds for Program 20.70 (Multi-Cultural Arts Development) are reduced by executive action."

Item 8290-001-001—For support of the California Public Broadcasting Commis-

sion. I eliminate this item.

The Budget Act of 1984 contained an appropriation of \$125,000 to the Department of Education for minority operated radio stations. This augmentation was provided as one-time assistance while the stations pursued more permanent sources of funding for on-going operations. As I indicated in the 1985 Budget Act, I believe these stations have been afforded sufficient time to gain independence. In addition, I believe it is more appropriate for public broadcasting support to come from viewers, foundations, and other private sources. As a conforming action I am eliminating Provision 1.

"1. Of the amount appropriated by this item, \$160,000 shall be allocated to the Federation of Minority Broadcasters."

Item 8300-001-001—For support of Agricultural Labor Relations Board. I delete Provision 1

Provision 1 would unnecessarily increase the number of cases being litigated by the Agricultural Labor Relations Board and restrict the Board's ability to review all options and provide effective services. The provision attempts to restrict statutory authority vested in the General Counsel and the Board. This is an infringement on the separation of powers in that it usurps Executive Branch authority to effectively administer this program. Therefore, I am deleting Provision 1 of this item

"1 None of the funds in this item shall be available for expenditure by the Board or the General Counsel for the purpose of unilaterally settling unfair labor practice charges, complaints, or Board decisions before or after judicial review, over the charging parties' objections."

Item 8350-001-001—For support of Department of Industrial Relations. I reduce this item from \$106,153,000 to \$103,935,000 by reducing

(c) 30—Preventing, Settling, Adjudicating and Administrating Disputes under Workers' Compensation Laws, from \$47,316,000 to \$46,769,000,

(d) 40—The Prevention of Industrial Injuries and Deaths of California Workers, from \$43,527,000 to \$42,732,000,

(j) 94.01—Administration, from \$12,281,000 to \$11,355,000, and

(v) Amount payable from the Asbestos Abatement Account (Item 8350-001-973) from -\$150,000 to -\$100,000,

and revising Provision 1 and deleting Provision 2

I am reducing the Department of Industrial Relations' budget by \$2,218,000 to eliminate certain augmentations made to the Governor's Budget. This reduction includes \$745,000 and 15 positions to augment staffing to conduct mandatory and discretionary health and safety compliance inspections. The current budget of \$42,732,000 and 630.7 personnel years provides an adequate level of funding and staffing to conduct all mandatory and discretionary health and safety compliance inspections.

I am eliminating the \$547,000 and 14.5 personnel years (5 Judge Teams) legislative augmentation for the Workers' Compensation Appeals Board (WCAB). The current budget of \$46,858,000 and 780.5 personnel years provides an adequate level of funding to accomplish the existing workload

I am reducing \$926,000 for purposes of reducing salary savings to 5.5 percent. The Department's existing 6.7 percent is below the 10.8 percent historical average for the Department

I am reducing the amount payable to this item from the Asbestos Abatement Account (Item 8350-001-973) by \$50,000 for purposes of compliance inspections and monitoring of school asbestos abatement projects. The Department of Industrial Relations can provide the same services within their existing resources of \$25,990,000 and 380.6 personnel years.

I am revising Provision 1, to conform to the above action:

"1. Of the funds appropriated for support of Schedule (d), ~~\$150,000~~ \$100,000 transferred from Item 8350-001-973 shall be encumbered for (a) routine compliance activities of the Cal-OSHA field enforcement program related to school site asbestos abatement projects and (b) monitoring and compliance inspections covering a 10 percent random sample of school asbestos abatement projects"

In addition, I am also deleting Provision 2 to conform to this action.

"2. Of the funds appropriated in Schedule (d) for support of Cal-OSHA field enforcement activities, \$745,000 shall be encumbered as follows:

- (a) \$298,000 shall be for the support of six industrial hygienists to augment basic occupational health enforcement inspections in order to provide sufficient staffing statewide to accomplish all mandatory health enforcement inspection activities;
- (b) \$199,000 shall be for support of discretionary occupational health enforcement inspections in northern (two industrial hygienists) and southern (two industrial hygienists) California; and
- (c) \$248,000 shall be for the support of five safety engineers to enhance discretionary safety enforcement inspections in southern California."

Item 8350-001-973—For support of Department of Industrial Relations. I reduce this item from \$150,000 to \$100,000.

I am eliminating a \$50,000 legislative augmentation for purposes of compliance inspections and monitoring of school asbestos abatement projects. The Department of Industrial Relations can provide the same services within their existing resources of \$25,990,000 and 380.6 personnel years. The reduction in this item corresponds to the action I have taken in Item 8350-001-001.

Item 8570-001-001—For support of Department of Food and Agriculture. I reduce this item from \$68,439,000 to \$68,409,000 by reducing.

- (a) 10—Pesticide Regulatory Program from \$22,705,000 to \$22,675,000.

I am eliminating the \$30,000 legislative augmentation for the initiation of studies required for the registration of the biological control agent baculovirus. I have, however, retained \$70,000 for this purpose. Consistent with the treatment of other pest control agents, any additional studies should be funded by the manufacturer of the product, or by the industry which would benefit by the availability of the agent.

Item 8570-101-001—For local assistance, Department of Food and Agriculture. I reduce this item from \$10,992,000 to \$10,942,000 by reducing:

- (b) 20—Plant Pest and Disease Prevention from \$7,636,000 to \$7,586,000.

I am eliminating the \$50,000 legislative augmentation for control of the invasive plants, parrots feather and yellow primrose. Based upon a priority system which considers the magnitude of the problem, the potential for control or eradication, the ability of local entities to deal with the problem, and the potential adverse effects of the plant, the Department of Food and Agriculture has determined that this project does not require State funding. Instead, the department will utilize the \$10.6 million that is budgeted for control and eradication work on projects that require a statewide approach and which, if left uncontrolled, could result in significant environmental and economic problems.

Item 8660-001-412—For support of the Public Utilities Commission I reduce this item from \$17,480,000 to \$17,391,000 by reducing:

- (a) 100000—Personal Services from \$46,279,000 to \$46,059,000,
- (b) 300000—Operating Expenses and Equipment from \$21,599,000 to \$21,546,000,
- (g) Amount payable from the Public Utilities Commission Transportation Reimbursement Account, General Fund (Item 8660-001-461) from —\$3,637,000 to —\$3,620,000, and
- (h) Amount payable from the Public Utilities Commission Utilities Reimbursement Account, General Fund (Item 8660-001-462) from —\$38,393,000 to —\$38,226,000.

I am reducing this item by \$89,000 and the scheduled expenditures that flow through this item by \$184,000 to reflect the following action:

I am eliminating a legislative augmentation of \$273,000 and 4 positions (3 attorneys and 1 clerical) for the Commission to increase legal representation in matters before federal agencies and federal courts. The Commission has not provided workload information to substantiate its request for additional resources. In addition, the Commission already has 44 attorneys for legal activities, of which three are new positions. The PUC has also been provided increased computer capability to enhance staff efficiency. These resources are sufficient to carry out its responsibilities, including federal legal proceedings.

This item reflects the reduction of \$17,000 and \$167,000 from the amounts payable from the Transportation Reimbursement Account and Utilities Reimbursement Account, respectively, to correspond to actions taken on Items 8660-001-461 and 8660-001-462.

Item 8660-001-461—For support of the Public Utilities Commission. I reduce this item from \$3,637,000 to \$3,620,000.

I am reducing this item by \$17,000 because the Commission has not demonstrated the need for additional legal staff to carry out its responsibilities. This action conforms with action taken on Item 8660-001-412. This reduces the amount payable from this item to Item 8660-001-412.

Item 8660-001-462—For support of the Public Utilities Commission. I reduce this item from \$38,393,000 to \$38,226,000.

I am reducing this item by \$167,000 because the Commission has not demonstrated the need for additional legal staff to carry out its responsibilities. This action conforms with action taken on Item 8660-001-412. This reduces the amount payable from this item to Item 8660-001-412.

Item 8915-101-001—For local assistance, Department of Economic Opportunity. I eliminate this item.

I am eliminating this item in the amount of \$1,335,000 for local assistance for the Community Services Block Grant Program because these General Fund monies would supplant the Gramm-Rudman-Hollings (GRH) Act reductions to the program. I believe that programs of this type should be funded at the level of available federal funds and this is consistent with our actions regarding the first phase of GRH cuts. This eliminates the amount payable from this item to Item 8915-101-890.

Item 8915-101-890—For local assistance, Department of Economic Opportunity. I change this item by reducing.

(b) 40—Community Services from \$30,838,000 to \$29,503,000, and by eliminating:

(c) Amount payable from the General Fund (Item 8915-101-001) (—\$1,335,000).

I am eliminating \$1,335,000 from the amount payable from the General Fund for local assistance for the Community Services Block Grant Program because these General Fund monies would supplant Gramm-Rudman-Hollings Act reductions to this program. I am reducing these subitems to correspond to Item 8915-101-001.

Item 8940-001-001—For support of Military Department. I am reducing this item from \$20,517,000 to \$20,299,000 by reducing:

(j) 71—California Innovative Military Projects and Career Training from \$1,629,000 to \$1,411,000,

and deleting Provision 3.

I am reducing this item by \$218,000 while retaining \$353,000 in General Fund support for this program, an increase of \$121,000.

This reduction, together with available federal funds and continued financial participation at the local level, will allow the program to continue the current level of services.

Provision 3 would require notification to the Legislature at least four weeks prior to dispatching any members of the National Guard to a foreign country if specified conditions exist. The four week time constraint unnecessarily restricts the Department's ability to respond to federal requests. Therefore, I am deleting Provision 3.

"3. The Military Department shall notify the Legislature at least four weeks prior to dispatching any members of the National Guard to a foreign country if any of the following conditions exist:

- (a) There has been armed combat in the country within 90 days of the scheduled arrival of the National Guard and no resolution of the dispute leading to the armed combat has been reached.
- (b) The foreign country is currently in use as a base for armed combat within another country bordering on the foreign country.
- (c) There is a reasonable likelihood of armed combat in the foreign country while the National Guard is scheduled to be on military duty there."

Item 8940-301-604—For capital outlay, Military Department. I reduce this item from \$2,716,000 to \$1,488,000 by eliminating:

(4) 70.28.010—Thousand Oaks—Armory—Acquisition, \$1,228,000, and deleting Provision 4

Funding for acquisition of property to build an armory in Thousand Oaks was predicated on balances available within the Armory Fund and was included in my Budget as introduced. Upon re-evaluation of that fund condition, it has been determined that the projected balance will be insufficient to support the Thousand Oaks acquisition as planned in 1986-87. I am, therefore, eliminating funding for this project.

In conformance with this action, I am deleting Provision 4.

"4. The funds appropriated in category (4) shall be made available from the proceeds of armory sales after such funds have been provided for projects in categories (1), (2), and (5)."

Item 9810-001-001—For payment of attorney fees. I eliminate this item and delete Provisions 1, 2, 3, 4, and 5.

I am eliminating this item because the control provisions no longer provide a reasonable cap on hourly rates. I would support restoration of this appropriation with an appropriate limit on hourly rates. Attorney fee claims which cannot be paid from Budget Act appropriations pursuant to Section 5.00 will be subject to the Board of Control claims process. I am directing the Department of Finance to apply the criteria contained in the Budget Act of 1985 in its review of claims which are presented to the Board.

I am also deleting Provisions 1 through 5 to conform to this action.

"1. Expenditures from this item shall be made by the Controller, subject to the approval of the Department of Finance, and shall be charged to the fiscal year in which the disbursement is issued."

"2. Expenditures from this item shall not exceed a maximum hourly rate greater than the maximum hourly rate contracted for and paid by the state to private attorneys for services to the state as determined in Provision 3. No expenditure from this item shall be used to pay amounts that result from the use of multipliers of the hourly rate as established above."

"3. The Controller shall request the Department of General Services to investigate and determine the maximum hourly rate contracted for and paid to private attorneys performing services for the state in the 1985-86 fiscal year."

"4. No payment shall be made by the Controller from this item except in full and final satisfaction of the claim, settlement, compromise, or judgment for attorney fees incurred in connection with a single action."

"5. The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committees in each house when funds from this item have been exhausted, or when there are insufficient funds to satisfy a claim completely. This report shall list the known unsatisfied claims, and the amount of each of these claims."

Item 9810-001-494—For payment of attorney fees. I eliminate this item and delete Provision 1.

I am eliminating this item to correspond to the action I have taken on Item 9810-001-001. I am deleting Provision 1 to conform to this action.

"1. Provisions 1, 2, 3, 4 and 5 for Item 9810-001-001 are also applicable to this item."

Item 9810-001-988—For payment of attorney fees. I eliminate this item and delete Provision 1.

I am eliminating this item to correspond to the action I have taken on Item 9810-001-001. I am also deleting Provision 1 to conform to this action.

"1. Provisions 1, 2, 3, 4 and 5 for Item 9810-001-001 are also applicable to this item."

SEC. 900—I eliminate this section.

I am eliminating this section because I object to the inclusion of substantive policy changes and control provisions in the Supplemental Report; as an example, the Provision directing the Regents of the University of California to modify graduation requirements is not mere supplemental language and should be subject to the

normal legislative process. I will direct departments not to create substantive new programs or alter appropriate administrative procedures or policies based solely on the contents of the Supplemental Report.

SEC. 11.50—I revise general control subdivisions.

I am reducing the transfer to the Housing Trust Fund in Subdivision (f) from \$15,000,000 to \$10,000,000 to conform to my veto actions in Item 2240-101-843.

I am also revising Section 11 50 in order to have the Special Account for Capital Outlay receive any tidelands oil revenues not otherwise allocated.

In allowing the General Fund transfer to remain in Subdivision (i) of Section 11.50, I note that the General Fund absorbed significant infrastructure costs in this budget, costs justifiably borne by tidelands oil revenues as fund balances permit

"SEC. 11.50. (a) Notwithstanding any other provision of law, the allocations to the California Water Fund made pursuant to subdivision (b) of Section 6217 of the Public Resources Code shall be in the amount of five million eight hundred fifty-four thousand dollars (\$5,854,000) for the 1986-87 fiscal year.

(b) Notwithstanding any other provision of law, no allocation to the Central Valley Water Project Construction Fund shall be made pursuant to subdivision (c) of Section 6217 of the Public Resources Code for the 1986-87 fiscal year.

(c) Notwithstanding any other provision of law, the allocation to the Capital Outlay Fund for Public Higher Education made pursuant to subdivision (e) of Section 6217 of the Public Resources Code shall be in the amount of ten million eighty-five thousand dollars (\$10,085,000) for the 1986-87 fiscal year.

(d) Notwithstanding any other provision of law, no allocation to the State School Building Lease-Purchase Fund shall be made pursuant to subdivision (f) of Section 6217 of the Public Resources Code.

(e) Notwithstanding any other provision of law, no allocation to the Energy and Resources Fund shall be made pursuant to subdivision (g) of Section 6217 of the Public Resources Code for the 1986-87 fiscal year.

(f) Notwithstanding any other provision of law, the allocation to the California Housing Trust Fund made pursuant to subdivision (h) of Section 6217 of the Public Resources Code shall be in the amount of ~~fifteen million dollars (\$15,000,000)~~ *ten million dollars (\$10,000,000)* for the 1986-87 fiscal year.

(g) Notwithstanding any other provision of law, no transfer to the Roberti-Z'Berg-Harris Open-Space and Recreation Program Account from the Special Account for Capital Outlay in the General Fund shall be made pursuant to Section 5624.5 of the Public Resources Code for the 1986-87 fiscal year.

~~(h) Notwithstanding any other provision of law, the amount transferred to the Special Account for Capital Outlay for the 1986/87 fiscal year shall be in the amount of thirty two million nine hundred ninety one thousand dollars (\$32,991,000); in lieu of the allocation specified in subdivision (i) of Section 6217 of the Public Resources Code.~~

(i) Notwithstanding any other provision of law, there shall be transferred to the General Fund for the 1986-87 fiscal year an amount of sixteen million seven hundred eighty-three thousand dollars (\$16,783,000) from tidelands oil revenues otherwise subject to Section 6217 of the Public Resources Code."

SEC. 11 52—I revise this general control section.

I am reducing the transfer amount in Section 11.52 by \$1,500,000 to retain a more prudent construction augmentation reserve in the Capital Outlay Fund for Public Higher Education.

I am revising Section 11.52 to conform to this action.

"SEC. 11.52. Notwithstanding any other provisions of law, on July 1, 1986, the State Controller shall transfer the amount of ~~thirty five million sixty thousand dollars (\$35,600,000)~~ *thirty-three million five hundred sixty thousand dollars (\$33,560,000)* from the Capital Outlay Fund for Public Higher Education to the Special Account for Capital Outlay in the General Fund."

SEC. 15.00—I eliminate this section.

It is the policy of this Administration that agencies transmit year-end financial data to the Controller in a timely fashion. Since the Administration is, committee to compliance with this proposed section, it is unnecessary to raise the specter of delays

in payments to vendors and state employee salaries

The budget passed by the Legislature included savings of over \$300 million as a result of redirecting surplus funds from the Public Employees' Retirement System. In recognizing these savings, the Legislature committed to authorizing legislation which, in conjunction with action of the PERS Board, allows these surplus funds to be available for funding high priority programs. None of the actions required to realize these savings in any manner reduces benefits to retirees or alters either the Legislature's or my commitment to the Public Employees' Retirement System.

However, as the legislation required to realize these savings has not yet been passed by the Legislature, I must reduce funding for 12 programs which I support. Until such time as appropriate legislation authorizing these savings is enacted, I cannot provide funds for these programs and still maintain the necessary reserve level to insure against future economic uncertainties. When appropriate legislation is enacted to provide for these savings, I will join with the Legislature to appropriate funds for these programs

PROGRAM	DOLLARS IN MILLIONS
Transportation:	
—Remainder of General Fund Transfer to Transportation Planning and Development Account	\$35 0
Health and Welfare:	
—Medi-Cal	
—Nonsteroidal Anti-Inflammatory Drugs	10.7*
—Intermediate Care Facilities/Developmentally Disabled—Habilitative Rate Increase	1.2*
—Public Health	
—Medically Indigent Services	50 0
—Social Services	
—Social Services Programs	
Five Percent Reduction.	17 6
Education:	
—Small School Districts Transportation	19 9
—Education Improvement Incentive Program.	6 8
—Urban Impact Aid	75.4
—Meade Aid	10.3
—Community Colleges. Aid to Districts with Declining ADA	34.2
—Community Colleges. Matriculation	21 0
—Conforming Cost-of-Living Adjustments.. . . .	1 0

* Also results in an equal Federal Funds reduction.

Item 2660-051-001—For transfer to the Transportation Planning and Development Account, State Transportation Fund, Department of Transportation I reduce this item from \$35,000,000 to \$1

In addition to the reductions in Item 2660-051-001 made above, I am further reducing the General Fund transfer to the Transportation Planning and Development Account the amount of \$34,999,999

Item 2660-101-042—For local assistance, Department of Transportation I reduce:

(c) Mass Transportation from \$85,469,000 to \$55,914,000,

(g) Amount payable from the Transportation Planning and Development Account, State Transportation Fund (Item 2660-101-046) from —\$40,997,000 to —\$11,442,000.

This action conforms to the additional reduction I am taking in Item 2660-051-001.

Item 2660-101-046—For local assistance, Department of Transportation. I reduce this item from \$40,997,000 to \$11,442,000

This action conforms to the additional reduction I am taking in Item 2660-051-001.

Item 4260-101-001—For local assistance, Department of Health Services. I reduce this item from \$2,264,865,000 to \$2,252,965,000 by reducing:

(b) 50.11—Benefits from \$4,501,252,000 to \$4,477,452,000,

(c) Amount payable from the Federal Trust Fund (Item 4260-101-890) from —\$2,388,645,000 to —\$2,376,745,000.

In addition to the reduction in Item 4260-101-001 made above, I am making this additional reduction in the amount of \$11,900,000.

Of this reduction, \$1,200,000 was intended for an Intermediate Care Facilities/Developmentally Disabled-Habilitative rate increase and \$10,700,000 for non-steroidal anti-inflammatory drugs for the Medi-Cal formulary. This action conforms with my action in Item 4260-101-890.

Item 4260-101-890—For local assistance, Department of Health Services. I reduce this item from \$2,388,645,000 to \$2,376,745,000.

In addition to the reductions in Item 4260-101-890 made above, I am making this additional reduction in the amount of \$11,900,000. This reduction is conforming to my action in Item 4260-101-001.

Item 4260-111-001—For local assistance, Department of Health Services. I reduce this item from \$1,108,914,500 to \$1,058,914,500 by reducing:

(c) 40—Rural and Community Health from \$977,681,000 to \$927,681,000.

In addition to the reduction in Item 4260-111-001 made above, I am making this additional reduction in the amount of \$50,000,000. I am eliminating the 1985–86 \$50,000,000 augmentation to the Medically Indigent Services Program.

Item 5180-151-001—For local assistance, Department of Social Services. I reduce this item from \$423,338,000 to \$405,701,000 by reducing:

(a) 20.30—Other County Social Services from \$290,427,000 to \$280,339,000,

(a) (1) 20.30.010—Child Welfare Services Grants from \$229,919,000 to \$219,831,000,

(b) 20.35—Specialized Adult Services from \$416,009,000 to \$408,460,000, and

(b) (1) 20.35.220—In-Home Supportive Services from \$410,313,000 to \$402,764,000.

In addition to the reductions in Item 5180-151-001 made above, I am making this additional reduction in the amount of \$17,637,000.

Of this reduction, \$10,088,000 is from the Child Welfare Services Program and \$7,549,000 is from the In-Home Supportive Services Program.

Item 6100-101-001—For local assistance, Department of Education. I reduce this item from \$7,551,298,000 to \$7,531,407,000 by eliminating:

(c) Program 10.10.001.003 School Apportionments, for Small School District Transportation Aid, for the purposes of Section 42240 and Section 42240.1 of the Education Code (\$19,891,000)

In addition to the language revisions made to Item 6100-101-001 above, I am reducing this item from \$7,551,298,000 to \$7,531,407,000 to eliminate funding for Small School District Transportation in the amount of \$19,891,000.

Item 6100-107-001—For local assistance, Department of Education. I reduce this item from \$7,800,000 to \$990,000, revise Provision 5 and delete Provisions 1, 2, 3, and 6.

I am reducing this item by \$6,810,000 to eliminate funding for the Education Instructional Improvement Incentive Program.

I am retaining \$990,000 in this item to fund other proposed activities for the California Assessment Program and for the College Admission Test Preparation Program.

Consistent with this action I am revising Provision 5 to reduce the allocation for the College Admission Test Preparation Program, which was increased by the Legislature, from \$350,000 to \$300,000 as follows:

"5. Of the amount appropriated in this item, an amount not to exceed ~~\$350,000~~ \$300,000 shall be expended for the purposes of Article 6 (commencing with Section 54750) of Chapter 9 of Part 29 of the Education Code (College Admission Test Preparation). Of this amount, \$50,000 shall be for transfer to Item 6100-001-001 for support of the College Admission Test Preparation Program."

I am also deleting Provisions 1, 2, 3, and 6.

"1. Notwithstanding any other provision of law to the contrary, the amounts appropriated in this item shall be the maximum amount allocated for the

purposes of Article 2.5 (commencing with Section 54650) of Chapter 9 of Part 29 of the Education Code."

- "2. In lieu of the percentage provided in Section 54657.7 of the Education Code, an amount not to exceed 3 percent of the amount appropriated in this item shall be used to pay grade 12 testing proctors and for administration."
- "3. Notwithstanding any other provision of law, funds appropriated by this item may be expended by school districts without regard to fiscal year. Those expenditures shall be made in accordance with the provisions of Article 2.5 (commencing with Section 54650) of Chapter 9 of Part 29 of the Education Code."
- "6. The superintendent of any school district or county office of education shall, upon receipt of funds apportioned from this item, certify to the Superintendent of Public Instruction that none of the schools in his or her jurisdiction has conducted any test preparation programs that are prohibited by Section 60610 of the Education Code. Further, funds shall be withdrawn from districts which are found to be in violation of Section 60610 of the Education Code."

Item 6100-206-001—For local assistance, Department of Education. I eliminate this item.

Though I have not made any reductions to this item above, I am reducing this item by \$75,445,000 to eliminate funding for the Urban Impact Aid Program.

Item 6100-207-001—For local assistance, Department of Education. I eliminate this item.

Though I have not made any reductions to this item above, I am reducing this item by \$10,332,000 to eliminate funding for the Meade Aid Program.

Item 6100-226-001—For local assistance, Department of Education. I reduce this item from \$731,663,000 to \$730,606,000 by eliminating:

- (a) (3)—Small School District Transportation Aid (\$199,000)
- (v) (1)—Urban Impact Aid, Unified School Districts (\$659,000)
- (v) (2)—Urban Impact Aid, Nonunified School District (\$96,000)
- (w) Meade Aid (\$103,000)

To conform to the reductions of \$19,891,000 in Item 6100-101-001, \$75,445,000 in Item 6100-206-001 and \$10,332,000 in Item 6100-207-001, I am eliminating the cost-of-living adjustments for Small School District Transportation Aid, Urban Impact Aid and Meade Aid in the amount of \$1,057,000.

Item 6870-101-001—For local assistance, Board of Governors of California Community Colleges. I reduce this item from \$1,228,407,000 to \$1,194,211,000 by reducing:

- (a) 10—Apportionments from \$1,158,080,000 to \$1,123,884,000.

In addition to the reductions in Item 6870-101-001 made above, I am making this additional reduction in the amount of \$34,196,000 to eliminate aid to Community College Districts with declining ADA

Item 6870-111-001—For local assistance, Board of Governors of California Community Colleges. I eliminate this item and delete Provision 1.

I had intended to approve a legislative augmentation of \$21,000,000 for assessment, counseling, placement, and follow-up (matriculation). However, at this point in time, funding for this program must be set aside.

To conform to this reduction, I am deleting Provision 1.

- "1 The amount appropriated in this item is available for assessment and counseling programs known as matriculation. This amount shall be allocated to districts based upon a plan developed by the Chancellor's office and approved by the Department of Finance. Funding for the Chancellor's Office Plan shall be contingent upon its review and approval by the Joint Legislative Budget Committee pursuant to Section 28.00."

With the above deletions and reductions, I hereby approve Assembly Bill No. 3217.

George Deukmejian
June 25, 1986

- 3 I am deleting the \$68,490 appropriation contained in Section 2 of Assembly Bill No. 213. The worthwhile program proposed by this measure can be accomplished within

existing resources currently funded through the Department of Education.

With this deletion, I approve Assembly Bill No. 213.

George Deukmejian

- 4 I am deleting the \$50,000 appropriation contained in Section 3 of Assembly Bill No. 4164.

The alternative site analysis required by this measure can be accomplished by the Department of General Services within existing resources as a normal part of its facilities planning process.

With this deletion, I approve Assembly Bill No. 4164.

George Deukmejian, Governor

- 5 I am deleting the \$1 million appropriation for the 1984 Prison Construction Fund contained in Section 10(b) (1) of Assembly Bill No. 4356.

There is insufficient money in the 1984 Prison Construction Fund to fund this appropriation. I have just approved SB No. 1222 which contains the same appropriation from a more appropriate funding source.

With this deletion, I approve Assembly Bill No. 4356

George Deukmejian, Governor

- 6 I am deleting the \$12 million General Fund appropriation contained in Section 3(b) of Senate Bill No. 1222.

I have already approved AB 4356 which contains the same appropriation.

With this deletion, I approve Senate Bill No. 1222.

George Deukmejian, Governor

- 7 I am deleting the \$500,000 appropriation contained in Assembly Bill No. 441

This appropriation is no longer needed since a portion of the \$2 million budget augmentation for gang violence suppression has been earmarked for implementation of the specialized gang violence prevention element contained in this measure.

With this deletion, I approve Assembly Bill No. 441.

GEORGE DEUKMEJIAN

- 8 I am reducing the appropriation contained in Section 1 of Senate Bill No. 759 from \$106,725,000 to \$53,362,500.

This reduction will provide one-half of full funding for the fiscal year. When the 1987 Legislative Session convenes, it is my intention to seek the remaining one-half of these funds. I have always supported full funding for these items and included them in my 1986-87 budget. However, because of the Legislature's failure to complete their own budget process, I am obligated to make these reductions in order to protect California's fiscal integrity. When the Legislature sent me their budget in June, they relied upon an additional \$302 million in income. I set aside funding for these programs, awaiting the necessary legislation implementing the Legislature's budget action. Unfortunately, the Legislature has failed to send me a bill fully funding these programs, thus requiring this action.

With this reduction, I approve Senate Bill No. 759.

GEORGE DEUKMEJIAN, Governor

- 9 I am reducing the appropriation contained in Section 1 of Assembly Bill No. 3216 from \$67,637,000 to \$33,818,500.

The reductions are reflected as follows:

Section 1(a)	\$17,637,000 to \$8,818,500
	Schedule of Adjustments
Section 1(1)	\$10,088,000 to \$5,044,000
Section 1(2)	\$ 7,549,000 to \$3,774,500
Section 1(b)	\$50,000,000 to \$25,000,000

This reduction will provide one-half of full funding for the fiscal year. When the 1987 Legislative Session convenes, it is my intention to seek the remaining one-half of these funds. I have always supported full funding for these items and included them in my 1986-87 budget. However, because of the Legislature's failure to complete their own budget process, I am obligated to make these reductions in order to protect California's fiscal integrity. When the Legislature sent me their budget in June, they relied upon an additional \$302 million in income. I set aside funding for these programs, awaiting the necessary legislation implementing the Legislature's budget action. Unfortunately, the Legislature has failed to send me a bill fully funding these programs, thus requiring this action.

With this reduction, I approve Assembly Bill No. 3216.

GEORGE DEUKMEJIAN, Governor

- 10 I am reducing the \$947,000 General Fund appropriation contained in Senate Bill No. 2390 to \$347,000.

The Attorney General concurs that the remaining appropriation together with current budget resources in the Department of Justice should be sufficient to cover the high priority needs in this area.

With this reduction, I approve Senate Bill No. 2390.

GEORGE DEUKMEJIAN, Governor

- 11 I am reducing the appropriation contained in Senate Bill No. 2117 by deleting the \$50,000 grant funding provided for an urban county.

I believe the funding for the urban county is inconsistent with the purpose of the program to provide economic development assistance to rural counties.

With this reduction, I approve Senate Bill No. 2117.

GEORGE DEUKMEJIAN, Governor

- 12 I am signing Senate Bill No. 1146 (with an appropriation reduction) because it provides financial assistance to small businesses for energy efficiency improvements and to purchase equipment for alternative energy conservation and development projects.

I am reducing the \$10 million appropriation to the Energy Extension Service for SAFE-BIDCO to establish a small business energy efficiency improvements loan fund to \$3 million. The \$3 million remaining in this appropriation is consistent with the amount of funds designated in my PVEA expenditure plan for the same purposes, and ensures that adequate funds are available for other high priority programs.

With this reduction, I approve Senate Bill No. 1146.

GEORGE DEUKMEJIAN, Governor

- 13 I am approving Assembly Bill No. 694 (with an appropriation reduction) because it provides Petroleum Violation Escrow Account (PVEA) funds to school districts for air conditioning equipment for year-round schools, to small businesses for low-interest loans and technical assistance to reduce their energy costs, and funds for Native American community energy services.

I am reducing the \$14,000,000 appropriation for small business loans and technical assistance, commencing with Section 6 and appropriated by Section 13(b)(1), to \$3,000,000. In addition, I am eliminating \$3,500,000 for housing rehabilitation, commencing with Section 13(c), and eliminating \$21,000,000 for local conservation programs, commencing with Chapter 49, Section 25390 and appropriated by Section 13(a). These funds duplicate funding in other PVEA bills I am signing for similar purposes.

The remaining \$36,000,000 appropriated in this bill is consistent with the amount of funds designated in my PVEA expenditure plan for the same purposes, and ensures that adequate funds are available for other high priority PVEA funded programs.

With this reduction, I approve Assembly Bill No. 694.

GEORGE DEUKMEJIAN, Governor

- 14 I am signing Senate Bill No. 1147 (with an appropriation reduction) because it will provide funds for demonstration projects to determine the technical and economic feasibility of using methanol and biomass-derived fuel to lessen our dependence on imported oil and to improve air quality by reducing emission

I am reducing the \$7,500,000 appropriation for the Clean Fuels Account to \$5,000,000 by reducing the amounts for demonstration projects for methanol-powered diesel engines and financial assistance to public and private transit operations for methanol-powered transit buses. In addition, I am eliminating the \$6,500,000 in the Clean Fuels Act, which provides a financial incentive for liquid fuels produced from biomass-derived resources.

The remaining \$5,000,000 appropriated in this bill is consistent with the amount of funds designated in my Petroleum Violation Escrow Account (PVEA) expenditure plan for the same purposes, and ensures that adequate funds are available for other high priority PVEA funded programs

With this deletion, I approve Senate Bill No. 1147.

GEORGE DEUKMEJIAN, Governor

- 15 I am approving Senate Bill No. 1145 (with an appropriation reduction) because it will provide financial and technical assistance to California farmers, and in particular, to small family farms, through a farm energy assistance program.

I am deleting the \$25 million appropriation to the Energy Technologies Research, Development, and Demonstration Account to carry out demonstration projects, because there are currently sufficient funds available in this account for projects of this nature. The \$5 million remaining in this appropriation is consistent with the amount of funds designated in my PVEA expenditure plan for the same purposes, and ensures that adequate funds are available for other high priority programs.

With this reduction, I approve Senate Bill No. 1145.

GEORGE DEUKMEJIAN, Governor

- 16 I am approving Senate Bill No. 1144 (with an appropriation reduction) because it will enhance the administration of the Low Income Home Energy Assistance Program (LIHEAP) and provide assistance to low-income individuals.

I am deleting the \$15 million appropriation to the Energy Crisis Intervention Program (ECIP) and reducing by \$10 million the appropriation to the Home Energy Assistance Program (HEAP) because these programs are of low priority in relation to other alternative uses of PVEA funding. The \$40 million remaining in this appropriation is consistent with the amount of funds designated in my PVEA expenditure plan for the same purposes, and ensures that adequate funds are available for other high priority PVEA funded programs

With this reduction, I approve Senate Bill No. 1144

GEORGE DEUKMEJIAN, Governor

- 17 I am approving Senate Bill No. 880 (with an appropriation reduction) because it will provide financial and technical assistance to local jurisdictions, higher education, and school districts for energy conservation and development projects

I am reducing the \$9 million appropriation for loans to purchase energy efficient equipment and small power production systems for local jurisdictions to \$4 million

The \$40.5 million remaining in this appropriation is consistent with the amount of funds designated in my PVEA expenditure plan for the same purposes, and ensures that adequate funds are available for other high priority programs.

With this reduction, I approve Senate Bill No. 880.

GEORGE DEUKMEJIAN, Governor

- 18 I am reducing the appropriation contained in Section 6 of Assembly Bill No. 3409 from \$525,000 to \$250,000.

While I support many of the recommendations of the Commission for the Review

of the Master Plan and recognize the need to establish a community college funding mechanism which continues beyond the current June 30, 1987, sunset date, I do not believe \$525,000 in State General Fund monies is necessary for the two task forces.

With this reduction, I approve Assembly Bill No. 3409.

GEORGE DEUKMEJIAN, Governor

- 19 I am deleting the \$53,000 appropriation contained in Section 6 of Senate Bill No. 1796.

The study of removing selenate from irrigation water is a local responsibility and the need for such a study should be considered in light of the demand for local funds. I do not believe it would be appropriate to provide scarce state resources for this local responsibility.

With this deletion, I approve Senate Bill No. 1796.

GEORGE DEUKMEJIAN, Governor

- 20 I am reducing the appropriation contained in Section 2(a) of Assembly Bill No. 3 from \$55,196,000 to \$6,151,000.

The reductions are reflected as follows:

Section 2(1) I eliminate this appropriation

Section 2(2) \$34,296,000 to \$6,151,000.

The reduction has two effects:

1. It will eliminate the one-half-year funding provided in the bill for matriculation.
2. It will provide, after taking into consideration the fiscal impact of AB 216 which I have previously signed, one-half of full funding for community colleges with declining average daily attendance.

When the 1987-88 legislative session convenes, it is my intention to seek full funding for the matriculation (which was funded for one-half-year only) and the remaining one-half of the declining average daily attendance provisions. I support full funding of the matriculation program which was added to my Budget and the declining average daily attendance provisions which I included in my Budget. However, because of the Legislature's failure to complete their own budget process, I am obligated to make these reductions in order to protect California's fiscal integrity. When the Legislature sent me their budget in June, they relied upon an additional \$302 million in income. I set aside funding for these programs, awaiting the necessary legislation implementing the Legislature's budget action. Unfortunately, the Legislature has failed to send me a bill fully funding these programs, thus requiring this action.

With this reduction, I approve Assembly Bill No. 3.

GEORGE DEUKMEJIAN, Governor

- 21 I am deleting the \$300,000 appropriation contained in Section 1(b) of Senate Bill No. 1745.

The appropriation would have funded the International Border Pollution Control Authority created by AB 4309. The bill has been vetoed, thus making this appropriation unnecessary.

I am reducing the \$500,000 appropriation contained in Section 1(a) to \$150,000 together with the appropriation language relating to Phase II of the workplan.

At this time, completing a general pollution abatement strategy, requiring more information about the extent of the pollution, and a cost analysis of the environmental reporting requirements are all steps which should be taken to address this problem. Proceeding to Phase II of the workplan without having an opportunity to evaluate the results from Phase I would be premature.

With this deletion and reduction, I approve Senate Bill No. 1745.

GEORGE DEUKMEJIAN, Governor

- 22 I am deleting the \$40,000 appropriation contained in Section 2 of Senate Bill No. 186.

This program is discretionary with the university. If they do not believe the costs

are absorbable, the bill does not require them to do this program.

With this deletion, I approve Senate Bill No. 186.

GEORGE DEUKMEJIAN, Governor

- 23 I am deleting the \$150,000 appropriation contained in Senate Bill No. 1920.

Since this measure is permissive and does not mandate additional resources by local governments not interested in utilizing its provisions, those local governments desiring to create a coordinating body to oversee recovery efforts and the enactment of necessary ordinances should fiscally support this program.

With this deletion, I approve Senate Bill No. 1920.

GEORGE DEUKMEJIAN, Governor

- 24 I am deleting the \$1 million appropriation contained in Senate Bill No. 2124.

The \$1 million appropriation should have come from the Special Account for Capital Outlay.

When the Legislature approved the Budget Bill last June, it contained over \$700 million in spending above available funds. Thus, in order to protect California's fiscal integrity, and to maintain our prudent reserve for emergencies, I was obligated to eliminate that \$700 million in excess spending from the Budget. I set aside \$283 million of those reductions for programs which I was willing to fund, if the Legislature sent me a bill implementing the funding mechanism which they had approved in the Budget. However, they failed to follow through on their original actions.

Now, the Legislature once again has sent me bills which would spend more than \$300 million above the funding available. My resolve to maintain California's fiscal integrity, to protect our reserve, and to maintain our newly won-AAA bond rating, is unshakeable. Therefore, I am again obligated to veto these expenditures.

While some of this legislation may have merit, it is the obligation of the Legislature, when sending these spending bills, to demonstrate where the funding would come from.

With this deletion, I approve Senate Bill No. 2124.

GEORGE DEUKMEJIAN, Governor

- 25 I am deleting the \$458,000 appropriation contained in Assembly Bill No. 2912.

This appropriation is intended to fund three specified centers for the purpose of providing therapeutic day services for abused, neglected and emotionally disturbed infants and children in Contra Costa County.

The \$458,000 appropriation would create the expectation that this level of State funding will be continued in subsequent fiscal years and that the State will supplant local funding as local priorities change. I believe that this appropriation would constitute an inequity to all other counties and treatment centers as it would single-out three specified centers for additional funding. If such augmentations are to be considered, they should be considered through the normal budgetary process and in light of the total demand for State General Fund support.

With this deletion, I approve Assembly Bill No. 2912.

GEORGE DEUKMEJIAN, Governor

- 26 I am deleting the \$299,000 OHV Fund appropriation contained in Section 2 and 4 of Assembly Bill No. 1331.

This item is contained in AB 3002, which I have already approved.

With this deletion, I approve Assembly Bill No. 1331.

GEORGE DEUKMEJIAN, Governor

- 27 I am deleting the \$213,000 1976 Park Bond Fund appropriation contained in Section 5 of Assembly Bill No. 3002. I deleted this item in the 1986 Budget Bill along with five other local assistance projects for 1976 Bond funds "because they should be submitted through the State competitive grant process for review and evaluation." While the project may have merit, I question the need to fund the project this year.

with 1976 Bond funds, since the project is already under public ownership and the valuable artifacts already excavated from the site, and a more appropriate alternative funding source exists. The Community Parklands Act of 1986 was put into law this year to fund projects of this type, and the use of this block grant fund will let the people of Riverside determine the priority of funding this project.

I am also deleting the \$900,000 1980 Park Bond Fund appropriation contained in Section 7 of Assembly Bill No. 3002. I deleted this item in the 1986 Budget Bill because "funding for the remaining Rimpau property may be requested in the 1987-88 budget because an option on that property is in effect during 1986-87." The Department of Parks and Recreation will consider this item for the 1987-88 budget.

I am also deleting the \$982,000 1984 Park Bond Fund appropriation contained in Section 8 of Assembly Bill No. 3002. I deleted this item in the 1986 Budget Bill "because it is an additional, substantial commitment of the total \$5 million of 1984 Bond funds allocated for storm damage repairs. I have previously approved two appropriations totaling \$1 million from 1984 Bond funds for this project. I am also concerned about the need for local participation in the operation and maintenance project". I feel these concerns are still valid and cannot support spending more park bond monies on a marginal area where the greatest benefit will be nonrecreational purposes.

With these deletions, I approve Assembly Bill No. 3002

GEORGE DEUKMEJIAN, Governor

- 28 I am deleting the \$50,000 General Fund appropriation together with the appropriation language relating to the allocation of General Fund monies contained in Section 2(b) of Assembly Bill No. 3435.

I am not convinced that the General Fund should be the principal source of funding for Africanized bee research.

With this deletion, I approve Assembly Bill No. 3435.

GEORGE DEUKMEJIAN

- 29 I am deleting the \$5,000 reappropriation contained in Section 1 of Senate Bill No. 44.

This reappropriation would require \$5,000 of a local historic restoration grant to be used to acquire liability insurance for a one-year period.

While I support the restoration of the historic Butte Store in Amador County, this is an inappropriate use of 1984 Park Bond Act funds, which may only be spent for acquisition, development or interpretation.

With this deletion, I approve Senate Bill No. 44.

GEORGE DEUKMEJIAN, Governor

- 30 I am deleting Section 6 from Assembly Bill No. 2286.

I believe that the funding mechanism contained in Section 6 provides an inappropriate means to fund the acquisition of Lower Solstice Canyon. The State Coastal Conservancy has sufficient funds and authority to acquire this property if it is determined to be high priority.

With this deletion, I approve Assembly Bill No. 2286.

GEORGE DEUKMEJIAN, Governor

- 31 I am deleting the \$100,000 appropriation contained in Section 3 of Assembly Bill No. 2654.

The 1986 Budget Act already provides over \$92 million for the instructional materials program during 1986-87. For this reason, I question the need for the additional funding called for in this bill.

With this deletion, I approve Assembly Bill No. 2654.

GEORGE DEUKMEJIAN, Governor

- 32 I am deleting the \$166,500 appropriation contained in Section 2 of Assembly Bill

No. 2688.

Numerous other Environmental License Plate proposals are currently being considered by the Resources Agency for 1987-88 budget year. The local assistances grants contained in this bill should be considered with the other funding proposals now before the Resources Agency.

With this deletion, I approve Assembly Bill No. 2688.

GEORGE DEUKMEJIAN, Governor

- 33 I am deleting the \$3 million appropriation contained in Section 2 of Assembly Bill No. 2839.

The budget for the current year already appropriates more than \$44 million for various homeless related programs, including \$6.5 million to the Department of Housing and Community Development for homeless shelters and residential hotels, \$35 million for the homeless mentally ill, \$3 million for homeless growth and family violence shelter protection, and \$200,000 for homeless Veteran's assistance.

When the Legislature approved the budget bill last June, it contained over \$700 million in spending above available funds. Thus, in order to protect California's fiscal integrity, and to maintain our prudent reserve for emergencies, I was obligated to eliminate that \$700 million in excess spending from the budget. I set aside \$283 million of those reductions for programs which I was willing to fund, if the Legislature sent me a bill implementing the funding mechanism which they had approved in the budget. However, they failed to follow through on their original action.

Now, the Legislature once again has sent me bills which would spend more than \$300 million above the funding available. My resolve to maintain California's fiscal integrity, to protect our reserve, and to maintain our newly won AAA bond rating, is unshakable. Therefore, I am again obligated to veto these expenditures.

With this deletion, I approve Assembly Bill No. 2839.

GEORGE DEUKMEJIAN, Governor

- 34 I am deleting the \$50,000 claim to be paid from Item 3340-001-001 (California Conservation Corps) contained in Assembly Bill No. 2862.

This claim should not have been included in the bill. Rather, the claim will be paid from Item 8190-001-001 from funds that are appropriated to the Attorney General. The California Conservation Corps and the Attorney General concur with this action.

With this deletion, I approve Assembly Bill No. 2862.

GEORGE DEUKMEJIAN, Governor

- 35 I am reducing the appropriation contained in Section 6 of Assembly Bill No. 2910 from \$100,000 to \$50,000.

I support the need to develop an early warning system of districts in questionable fiscal condition and to increase the authority of the Chancellor's Office. This is the first of a series of actions necessary if community colleges are to become a system. Unfortunately, the State's fiscal circumstances do not allow me to approve the entire \$100,000 appropriation proposed in this bill.

With this reduction, I approve Assembly Bill No. 2910.

GEORGE DEUKMEJIAN, Governor

- 36 I am deleting the \$80,000 appropriation contained in Assembly Bill No. 3204.

While I support the concept of this bill, I believe that it is unnecessary to provide funds when the Commission already plans to look into this matter using their existing resources.

With this deletion, I approve Assembly Bill No. 3204.

GEORGE DEUKMEJIAN, Governor

- 37 I am deleting the \$66,000 appropriation contained in Section 5 of Assembly Bill No. 3984.

I believe the Department of Parks and Recreation has sufficient resources available to meet the first year's operating costs of the Seccombe Lake State Urban Recreation Area. The funding of operating cost for 1987-88 and future years will be addressed through the budget process.

With this deletion, I approve Assembly Bill No. 3984.

GEORGE DEUKMEJIAN, Governor

- 38 I am reducing the appropriation contained in Section 1 of Senate Bill No. 805 from \$1.5 million to \$1 million.

The reduced appropriation will provide needed funding for ecological reserves. However, further augmentation should be considered during the normal budget process.

With this reduction, I approve Senate Bill No. 805.

GEORGE DEUKMEJIAN, Governor

- 39 The Budget for fiscal year 1986-87 provides approximately \$45 million to provide relief for the homeless. In addition, the Budget Act of 1986 provides a \$4 million augmentation to the Emergency Shelter Program. Given current fiscal constraints, additional resources cannot be made available at this time. As a result, I have deleted the \$3 million General Fund appropriation contained in Senate Bill No. 1567.

With this deletion, I approve Senate Bill No. 1567.

GEORGE DEUKMEJIAN, Governor

- 40 I am deleting the \$3,359.97. claim to be paid from Item 2740-001-044 (DMV) contained in Senate Bill No. 1690.

It would be inappropriate to pay this claim from the Department of Motor Vehicle budget. If the claim were to be paid, it should be paid from the California Highway Patrol budget. This claim is the result of damages that occurred to private property due to negligence on the part of a private party. Therefore, reimbursement for the cost of the damages is a civil matter between the claimant and the private party which caused the damages.

With this deletion, I approve Senate Bill No. 1690.

GEORGE DEUKMEJIAN, Governor

- 41 I am deleting the \$200,000 appropriation from the Insurance Fund contained in Section 5.(b) of Senate Bill No. 1238.

The Insurance Fund does not have sufficient reserves to fund a study to evaluate an early warning system.

With this deletion, I approve Senate Bill No. 1238.

GEORGE DEUKMEJIAN, Governor

- 42 I am deleting the \$300,000 appropriation contained in Section 3 of Senate Bill No. 2527.

Section 2230 of the Revenue and Taxation Code provides that the State shall annually reimburse cities and counties for the net loss of revenues from legislation creating sales tax exemptions. I am opposed to reimbursement for the revenues lost due to the enactment of Senate Bill 2527 because legislation impacting local property and sales tax revenue has on balance resulted in a net revenue gain to local government.

With this deletion, I approve Senate Bill No. 2527.

GEORGE DEUKMEJIAN, Governor

- 43 I am deleting the \$180,000 appropriation contained in Section 3 of Senate Bill No. 2110.

The appropriation is intended to be used for continuation of research to identify alternative to the banned fumigant EDB. \$556,000 has already been made available for this purpose in prior years and a significant amount of research has already been

performed on the issue, resulting in the identification of some potentially successful alternatives. The Department of Food and Agriculture may choose to engage in additional EDB research contracts with existing resources, if it appears there is a need to do so.

With this deletion, I approve Senate Bill No. 2110.

GEORGE DEUKMEJIAN, Governor

- 44 I am reducing the appropriation contained in Section 7 of Assembly Bill No. 3168 from \$109,500 to \$54,700 in order to limit the level of funding to an amount that can reasonably be expended by the Private Adoption Agencies to meet the responsibility of placing special needs children during the 1986-87 Fiscal Year.

With this reduction, I approve Assembly Bill No. 3168.

GEORGE DEUKMEJIAN, Governor

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1985-86 REGULAR SESSION

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110	216	832	187	1618	962
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213	253	999	22	1689	97
216	1062	1001	1011	1694	64
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347	302	1186	973	1839	432
351	215	1207	384	1842	158
353	1322	1231	431	1881	352
356	44	1234	799	1882	664
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360	71	1260	662	1892	1148
364	1107	1263	1505	1901	385
368	917	1267	1382	1912	1347
375	1068	1276	1453	1916	353
400	265	1293	11	1919	138
441	621	1317	13	1931	1458
473	84	1331	1473	1945	638
515	195	1334	1336	1949	69
521	368	1362	1075	1953	561
524	30	1382	48	1961	61
526	559	1409	560	1974	329
559	1494	1424	218	1981	1289
582	234	1437	17	1982	6
604	1285	1445	914	1985	792
606	249	1464	1060	1986	303
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1996	1383	2599	1386	2733	793
2001	567	2601	1059	2734	1077
2010	1384	2604	732	2735	1497
2017	198	2605	667	2736	357
2020	1290	2610	1325	2737	188
2034	35	2612	86	2739	96
2049	85	2613	422	2740	789
2051	1359	2615	535	2743	256
2069	915	2616	267	2744	913
2070	116	2617	919	2746	918
2071	172	2619	148	2747	194
2092	966	2620	193	2748	1045
2156	33	2625	783	2749	1388
2187	463	2631	977	2751	1056
2202	77	2632	330	2753	902
2207	415	2634	157	2754	897
2208	115	2635	356	2756	1058
2212	199	2639	130	2757	331
2219	147	2640	418	2762	668
2225	369	2641	304	2763	960
2226	1348	2645	640	2764	473
2229	354	2648	386	2765	200
2275	114	2652	820	2766	109
2276	34	2654	1482	2767	736
2286	1481	2658	926	2769	597
2287	59	2661	387	2772	105
2293	113	2663	1005	2775	1294
2295	1431	2668	410	2776	803
2306	183	2672	73	2778	480
2328	52	2674	641	2779	1427
2341	928	2676	227	2782	715
2352	46	2677	155	2784	642
2362	80	2678	1292	2785	112
2378	139	2679	596	2786	308
2380	1103	2680	794	2787	388
2391	1349	2682	433	2789	102
2392	220	2684	213	2790	237
2402	29	2685	1387	2793	900
2404	1462	2686	159	2795	389
2414	920	2688	1483	2796	1061
2421	27	2691	38	2797	106
2424	226	2692	1029	2798	238
2445	927	2698	255	2802	577
2457	924	2700	1043	2812	358
2461	795	2702	1503	2815	974
2520	355	2703	1149	2816	131
2536	16	2704	806	2818	1036
2545	409	2706	733	2819	160
2556	1385	2709	370	2823	1035
2558	1106	2710	1009	2824	332
2572	464	2715	734	2831	1105
2576	1291	2716	536	2832	1293
2578	18	2719	305	2836	359
2581	8	2721	479	2837	228
2583	236	2722	537	2838	737
2593	666	2723	735	2839	1484
2595	784	2724	1128	2841	306
2596	192	2728	788	2845	333

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2846	360	2969	1350	3102	1042
2847	307	2971	541	3103	173
2848	1452	2972	150	3105	338
2849	309	2973	1295	3108	259
2853	161	2977	481	3109	1257
2855	334	2980	1360	3110	600
2857	936	2983	203	3115	744
2858	669	2985	1422	3117	745
2859	434	2989	151	3120	746
2860	111	2991	584	3121	260
2861	1150	2993	1391	3127	1152
2862	1485	2996	436	3128	503
2867	898	3000	92	3133	169
2871	435	3002	1474	3135	108
2882	538	3007	738	3137	921
2884	531	3009	739	3138	747
2885	1151	3011	374	3139	1393
2886	791	3012	1133	3140	425
2888	670	3017	673	3141	261
2889	1424	3018	972	3143	262
2890	1457	3020	674	3144	748
2891	550	3022	599	3145	1362
2892	201	3023	931	3146	270
2894	1074	3025	804	3147	817
2897	539	3027	411	3148	362
2901	598	3029	336	3150	1394
2903	500	3032	437	3152	504
2910	1486	3034	502	3154	552
2912	1472	3038	221	3158	1258
2913	310	3039	361	3160	563
2914	671	3041	932	3162	1026
2915	910	3045	675	3165	412
2918	202	3048	341	3168	1517
2919	149	3052	643	3170	749
2920	1390	3053	258	3171	505
2921	672	3055	134	3172	1064
2925	390	3057	312	3175	816
2926	887	3060	1361	3176	1395
2928	1013	3061	676	3178	678
2929	912	3066	740	3182	438
2930	551	3067	677	3184	644
2932	562	3069	269	3185	230
2933	268	3071	741	3194	802
2938	257	3072	1392	3195	1477
2941	140	3073	229	3197	474
2944	107	3074	204	3198	750
2945	132	3076	337	3204	1487
2946	501	3077	1082	3205	482
2948	1504	3081	1049	3206	271
2950	790	3082	953	3208	601
2951	110	3083	807	3209	483
2953	583	3088	971	3210	1396
2957	335	3091	252	3211	506
2962	133	3092	742	3212	339
2963	818	3094	205	3215	679
2964	782	3097	206	3216	892
2965	540	3098	743	3217	186
2967	568	3101	894	3218	507

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3220	961	3354	211	3483	823
3222	1004	3357	1326	3484	1398
3223	968	3359	1050	3485	1299
3225	1153	3360	274	3494	934
3226	484	3362	759	3495	542
3228	963	3364	814	3497	1131
3229	681	3368	1146	3499	955
3231	523	3369	819	3500	1478
3240	751	3370	658	3505	761
3242	1046	3372	275	3506	1479
3243	752	3374	1055	3515	419
3246	1296	3378	569	3518	933
3249	439	3379	231	3519	341
3250	1425	3382	821	3521	543
3251	1007	3383	893	3527	316
3253	1297	3384	1154	3528	947
3254	1034	3390	508	3533	959
3255	753	3394	207	3534	317
3257	391	3395	509	3535	1459
3258	553	3398	688	3537	371
3261	575	3401	925	3538	623
3262	1306	3404	136	3539	1132
3263	1124	3408	602	3540	603
3264	908	3409	1465	3542	1139
3266	1421	3411	363	3543	163
3267	781	3413	689	3544	762
3275	1129	3419	392	3545	342
3278	682	3421	576	3546	951
3282	340	3422	276	3549	413
3286	1363	3427	364	3554	1327
3288	1047	3429	690	3555	1008
3291	754	3434	965	3559	343
3292	683	3435	1475	3564	98
3293	170	3436	815	3566	645
3297	755	3439	948	3567	950
3298	554	3442	152	3569	763
3299	797	3443	314	3570	935
3300	1335	3445	1433	3571	764
3303	272	3446	101	3579	822
3305	313	3447	486	3580	1351
3306	485	3448	440	3581	813
3309	1269	3449	756	3584	586
3312	684	3450	808	3594	692
3314	685	3453	809	3595	1420
3315	1298	3458	691	3597	1432
3316	585	3459	441	3600	604
3319	273	3462	277	3603	570
3320	162	3463	760	3604	1328
3322	958	3467	315	3605	624
3323	1464	3468	909	3608	1496
3326	629	3469	1130	3615	544
3327	1017	3470	889	3618	930
3328	940	3473	824	3619	1300
3333	1397	3475	1127	3622	487
3339	43	3477	622	3625	693
3343	1078	3479	189	3628	1002
3345	686	3481	896	3632	1301

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3633	278	3782	707	3937	1521
3634	555	3784	545	3939	1108
3636	765	3785	190	3941	976
3638	222	3786	1268	3943	1073
3639	1138	3788	969	3950	283
3640	952	3792	726	3958	975
3641	510	3794	922	3959	941
3642	587	3799	365	3960	1155
3643	279	3801	727	3961	729
3644	588	3809	937	3962	1104
3647	780	3810	318	3966	1302
3649	488	3818	239	3968	465
3650	1364	3822	1426	3972	444
3657	1365	3823	758	3974	1263
3659	1065	3824	546	3975	1409
3660	730	3825	905	3977	1028
3661	725	3829	1072	3979	284
3666	1305	3835	547	3980	1071
3669	694	3837	766	3984	1488
3674	1054	3838	831	3988	769
3676	695	3840	1435	3989	1134
3678	1259	3843	572	3993	964
3681	728	3844	512	3994	1255
3682	280	3849	1051	3998	811
3683	511	3852	698	4006	1430
3688	801	3855	767	4019	1140
3689	1010	3859	796	4020	702
3693	696	3861	880	4022	1018
3695	1399	3862	625	4024	450
3697	1400	3863	699	4026	1429
3703	564	3870	1261	4027	1070
3705	524	3871	1137	4028	1423
3708	812	3873	906	4029	1033
3709	174	3875	1321	4030	798
3711	724	3878	393	4036	1063
3713	810	3881	282	4037	1001
3716	895	3883	768	4038	1264
3719	1053	3884	319	4044	1498
3722	970	3887	320	4051	345
3724	565	3888	1368	4055	1016
3725	175	3892	828	4062	1434
3726	1401	3893	1080	4063	451
3728	697	3897	942	4064	1123
3733	489	3899	1262	4066	1121
3738	1450	3900	1012	4072	1265
3741	1402	3901	344	4073	833
3743	571	3905	490	4074	703
3746	372	3907	442	4082	1266
3750	1048	3913	700	4085	1136
3751	578	3920	805	4086	704
3752	135	3921	1366	4087	938
3758	1510	3923	1126	4090	1403
3762	901	3924	605	4095	321
3764	903	3927	701	4098	208
3768	566	3928	1344	4101	548
3769	757	3932	907	4107	1003
3777	1260	3933	1367	4124	829
3781	281	3936	443	4131	1066

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4145	1032	4250	1463	4327	1081
4158	778	4251	1076	4336	1079
4161	153	4252	1141	4343	156
4164	492	4262	1287	4344	154
4165	452	4264	573	4345	770
4168	1067	4272	1345	4346	771
4169	881	4276	453	4350	1019
4173	916	4278	1156	4356	532
4175	832	4280	164	4357	1052
4182	777	4281	286	4364	967
4187	1125	4282	287	4372	493
4198	1031	4283	1506	4374	772
4206	957	4284	366	4375	923
4208	1428	4295	445	4379	773
4209	1030	4299	826	4380	945
4213	776	4301	367	4382	706
4214	285	4302	943	4396	774
4216	417	4308	1304	4406	1329
4217	775	4310	210	4411	830
4219	946	4313	944	4412	76
4222	1267	4317	705	4417	825
4226	466	4319	137	4419	779
4227	375	4322	322		
4233	1303	4324	800		
4245	423	4325	1449		

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26	856	806	5	1246	1446
34	55	831	1142	1261	82
44	1476	846	1088	1265	4
55	54	854	28	1272	184
79	93	868	989	1286	141
85	660	869	841	1292	120
86	871	871	53	1311	166
111	1194	872	1188	1314	1205
139	51	878	301	1336	349
145	39	880	1343	1367	326
146	12	882	324	1373	290
173	446	883	1369	1374	1235
186	1469	903	1370	1377	178
189	56	906	1238	1426	1160
202	997	918	1089	1430	104
247	494	920	1118	1454	1203
259	1445	921	1027	1461	94
274	119	922	1113	1462	534
282	1512	937	165	1470	1039
286	513	945	514	1471	74
327	886	947	1513	1477	860
344	40	949	988	1478	1460
348	168	951	874	1480	723
367	41	958	876	1483	842
397	42	965	325	1484	516
403	1092	993	394	1485	241
405	2	1003	1223	1488	1231
417	1196	1005	24	1490	242
440	1307	1012	1437	1493	1224
441	346	1020	288	1495	1202
491	1213	1024	987	1497	121
507	1193	1046	1234	1498	1406
544	323	1053	289	1499	1284
547	250	1055	1353	1500	1509
550	376	1056	177	1501	75
571	1308	1069	10	1502	580
597	70	1071	1091	1503	581
601	62	1083	254	1506	607
611	1099	1086	885	1509	877
625	875	1115	1102	1510	1021
629	263	1132	81	1511	1283
630	1352	1144	1342	1514	454
633	579	1145	1341	1515	117
654	377	1146	1338	1518	999
656	7	1147	1340	1520	1407
675	378	1159	1330	1521	1310
688	176	1178	1405	1533	646
709	347	1187	348	1536	327
727	1404	1195	1122	1537	608
738	1454	1218	873	1539	122
759	891	1221	1174	1540	426
771	1168	1222	533	1542	861
777	416	1238	1492	1543	1114
799	869	1243	515	1544	142
805	1489	1244	240	1545	264

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1546	1354	1658	582	1797	868
1547	63	1660	589	1799	1456
1552	45	1661	992	1801	1170
1553	15	1662	1229	1802	649
1558	1233	1664	467	1805	1038
1560	525	1665	610	1806	1037
1561	1337	1667	381	1810	1161
1562	526	1668	519	1812	1000
1564	844	1670	872	1813	612
1565	527	1671	1311	1815	978
1566	1371	1672	127	1816	1273
1567	1490	1675	468	1817	1373
1569	475	1676	469	1818	1025
1571	1197	1677	1198	1819	1374
1573	1169	1680	611	1821	398
1574	1179	1684	627	1822	839
1577	1455	1685	982	1827	1219
1578	123	1687	1240	1828	843
1579	291	1688	1024	1837	1180
1588	1221	1690	1491	1838	292
1590	1331	1691	1319	1839	996
1592	1239	1693	1177	1841	448
1594	395	1695	994	1842	1143
1597	124	1699	1112	1843	455
1598	180	1700	1241	1844	232
1600	167	1708	1272	1845	858
1602	181	1713	396	1849	182
1606	530	1714	520	1851	528
1608	350	1716	382	1854	399
1609	1270	1719	143	1856	838
1610	214	1722	1201	1858	1200
1611	379	1724	1232	1859	1166
1614	1087	1726	628	1860	1164
1619	1218	1730	647	1862	1410
1620	1093	1733	1499	1863	1242
1621	223	1737	979	1869	293
1623	179	1739	1312	1870	630
1624	1101	1740	1228	1873	1243
1625	517	1745	1468	1874	650
1626	708	1748	840	1875	1507
1627	125	1751	1408	1876	351
1628	99	1752	1518	1877	1226
1632	126	1759	521	1879	655
1633	1309	1762	1442	1881	456
1634	146	1763	470	1885	1090
1636	1210	1768	447	1888	1274
1637	1271	1769	648	1889	1375
1641	609	1771	1171	1890	400
1644	626	1777	1023	1891	1508
1645	1095	1779	1204	1895	656
1646	3	1781	857	1897	100
1647	1230	1782	1372	1901	709
1648	224	1787	998	1909	243
1649	1020	1789	1418	1910	144
1650	518	1790	397	1914	185
1653	1511	1791	1162	1916	476
1655	380	1794	1444	1919	401
1657	427	1796	1466	1920	1470

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1923	1172	2064	1313	2185	836
1926	1244	2066	991	2187	837
1928	1181	2067	1501	2192	1461
1931	1175	2068	888	2199	1083
1933	225	2074	472	2202	1315
1934	884	2075	716	2203	1192
1936	710	2076	1220	2204	1417
1937	1495	2081	1185	2205	1183
1938	1217	2082	1520	2206	985
1946	402	2085	652	2210	1163
1953	1320	2086	295	2213	1493
1954	549	2088	1190	2214	633
1956	1355	2090	1225	2215	615
1960	1044	2096	614	2216	634
1961	244	2097	990	2218	1094
1964	878	2098	1314	2222	616
1967	613	2110	1516	2224	1357
1970	495	2111	1084	2231	849
1971	1411	2112	721	2232	1378
1973	1115	2114	632	2233	1191
1974	403	2115	853	2236	617
1976	722	2116	1246	2237	618
1977	1412	2117	1147	2239	1514
1978	863	2119	1247	2243	864
1980	1209	2122	1248	2244	835
1981	712	2123	1376	2253	1186
1986	471	2124	1471	2255	867
1989	1189	2127	986	2258	635
1991	556	2130	1356	2261	591
1992	1236	2131	1237	2263	128
1995	118	2134	145	2271	296
1997	1206	2135	993	2272	1184
1998	1178	2136	653	2276	1439
2002	879	2137	522	2280	657
2007	1245	2138	429	2285	848
2008	428	2141	1416	2289	496
2011	1332	2142	1275	2297	1249
2020	1440	2143	1022	2300	1250
2022	1214	2147	852	2303	1144
2024	1413	2148	406	2305	1316
2026	1414	2150	383	2307	1419
2029	1227	2152	1165	2308	1145
2030	651	2153	1096	2309	983
2032	713	2154	720	2310	1159
2035	1157	2155	719	2312	297
2037	859	2162	1377	2315	420
2040	854	2163	212	2321	1098
2042	631	2164	459	2323	1441
2044	457	2167	590	2326	1195
2045	404	2168	850	2328	834
2048	1286	2169	1276	2330	846
2049	1182	2170	1447	2331	845
2050	458	2172	654	2335	1379
2051	405	2178	718	2341	1207
2053	1215	2179	717	2344	1117
2058	294	2180	851	2345	246
2059	1415	2182	407	2349	247
2063	251	2183	1100	2351	497

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2355	984	2421	1173	2531	1120
2357	1358	2424	1187	2534	557
2359	1277	2434	981	2535	855
2360	882	2441	298	2541	620
2361	1278	2446	1041	2543	1519
2366	424	2451	248	2548	1097
2367	592	2452	1158	2558	1222
2370	1317	2454	1216	2559	847
2371	1279	2457	1281	2562	1119
2373	245	2469	1500	2563	461
2374	1167	2470	1086	2564	103
2380	1111	2476	619	2570	1211
2382	1212	2477	449	2572	1451
2385	711	2478	328	2575	1443
2387	865	2480	866	2576	499
2389	995	2484	498	2580	1199
2390	1040	2488	1380	2583	1208
2392	1436	2491	299	2584	637
2397	714	2495	1251	2590	462
2398	636	2497	1252	2597	594
2400	460	2498	1333	2599	1116
2403	233	2502	50	2608	414
2404	1438	2506	1085	2609	1110
2405	1176	2513	1381	2616	883
2408	1318	2515	980	2618	870
2410	529	2516	890	2620	1253
2411	593	2517	862		
2412	1280	2527	1515		
2413	1448	2528	300		

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ACA	Resolution Chapter	ACA	Resolution Chapter	ACA	Resolution Chapter
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72	22	115	28	146	59
78	20	116	70	148	127
82	112	117	78	149	117
87	15	118	76	150	128
88	16	119	71	152	55
89	113	120	98	153	129
92	88	121	109	155	99
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